

CALIFORNIA COASTAL COMMISSION

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January 13, 2003

Wed 14b

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
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**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT NO. 1-02(A) (LA JOLLA LAND USE PLAN UPDATE) TO THE
CITY OF SAN DIEGO LOCAL COASTAL PROGRAM (For Public Hearing and
Possible Action at the Coastal Commission Meeting of February 5-7, 2003)**

SYNOPSIS

The proposed LCP amendment (component A) was submitted on 7/25/02 and was filed on 9/23/02. A one-year time extension was granted on 12/11/02. As such, the last date for Commission action on this item is December 23, 2003. Two other components of this LCP submittal also include (B/La Jolla Rezones), which consists of associated rezonings of specific properties in the La Jolla community. A third component (C/Estates at Costa del Mar) consists of an amendment to the City of San Diego's certified Implementation Plan to rezone a 10-acre property in North City from AR (Agricultural Residential)-1-1 to AR-1-2. Both of these latter components will be scheduled for Commission review at a later date.

SUMMARY OF AMENDMENT REQUEST

The proposed submittal comprises a comprehensive updated La Jolla Community Plan and Local Coastal Program Land Use Plan. The City has consolidated the goals, policies and recommendations from the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program into one plan for La Jolla thereby eliminating duplication of goals and policies and ensuring consistency among plan recommendations. Although the LCP submittal is being treated as an update to the community plan; the plan has also been updated with new information so it is essentially an entirely new LCP Land Use Plan (LUP) for the La Jolla community which addresses several new issues and contains many new policies. As such, the updated LUP results in the rescission of the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program Land Use Plan. The La Jolla Shores Precise Plan more specifically regulated development in the La Jolla Shores area which is located in northern La Jolla whereas the other two documents, the La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program (Addendum) governed all of the La Jolla area.

The La Jolla Land Use Plan Update has been developed to address the coastal issues which have been identified by Commission and City staff, along with the citizens and property owners of La Jolla, as well as other interested parties. The La Jolla Land Use Plan covers approximately 4,680 acres that comprise the community of La Jolla. As most of the community is located within the Coastal Zone, the City has included issues and policies related to the requirements of the Coastal Act.

Further information on the La Jolla Local Coastal Program Land Use Plan (LCP) submittal may be obtained from Laurinda R. Owens, Coastal Planner, at (619) 767-2370.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission deny the land use plan amendment as submitted and then approve the land use plan amendment, subject to suggested modifications.

The report has been organized to address the following policy groups: Steep Hillside/Open Space and Natural Resource Protection, Public Access/Shoreline Areas/Recreation; Hazards/Shoreline Protection; and, Sensitive Biological Resources/Water Quality. Major issues of concern in the LUP are requirements for protection of inland hillsides and open space areas; in particular, steep slopes which have been identified on Map C-720 as sensitive due to biological or visual resources or geologic hazards.

In addition, protection of visual resources is also a significant concern; in particular, for those properties located between the first coastal roadway and the sea. Policies have been suggested to assure yards and setback areas are maintained between the ocean and the first coastal roadway to preserve public views, and that variances for yard setback areas in such areas are carefully reviewed to assure that encroachment into identified public view corridors and/or scenic overlooks are avoided or minimized to the maximum extent possible.

Concerns pertaining to public access include retention of street parking used for beach access purposes in the residential areas of La Jolla and La Jolla Farms area and removal of any unpermitted red-curbings of public streets in these areas; also, implementation of a comprehensive sign program along major coastal access routes to identify existing physical and visual access points.

With regard to protection of coastal bluffs, major issues include that adequate setbacks from the bluff edge are maintained to avoid the need for shoreline protection or bluff erosion control devices; that for new development on coastal bluffs, the applicants accept a deed restriction to waive all rights to protective devices associated with the property; and that obsolete or unnecessary protective devices be required to be removed, when feasible. Another major issue is with regard to substantial demolition and reconstruction of, and substantial additions to, previously-conforming structures located on coastal blufftop lots. Policies have been suggested which require the entire structure be brought into conformance with the policies and standards of

the LCP, for additions that increase the size of the structure by 50% or more, or demolition/reconstruction that results in replacement of more than 50% of the structure, including work occurring after effective certification of the LCP. These policies will help assure that all new development will be setback adequately from the buff edge and that the geologic and visual quality of coastal bluffs will be restored over time.

The last issue pertains to water quality to incorporate Best Management Practices and standards into the LUP to address uncontrolled and polluted urban runoff.

The appropriate resolutions and motions begin on page 5 . The suggested modifications begin on page 6. The findings for denial of the Land Use Plan Amendment as submitted and for approval, if modified, begin on page 26.

BACKGROUND

The La Jolla Community Plan/Local Coastal Program is part of the City of San Diego's certified LCP which contains 12 segments. The Commission approved, with suggested modifications, the La Jolla-La Jolla Shores LCP segment of the City of San Diego's Local Coastal Program in April, 1983. The two Planned District Ordinances (PDOs) which regulate commercial development in the La Jolla Shores and downtown La Jolla areas were approved by the Commission in 1984 and 1989, respectively. The City proposed to update the La Jolla Community Plan in 1985 which was approved by the Commission, with suggested modifications, at its May 11, 1995 meeting. However, due to concerns over visual access requirements in the nearshore area by a few property owners, the City was not able to agree to the suggested modifications and thus, the LUP was never effectively certified. The City has recently acquired grant monies to complete its LCP efforts and has thus proposed the current LUP Update which is similar to that which was approved in 1995. However, since that time, additional issues have been identified, as discussed on the preceding page.

PART I. OVERVIEW

A. LCP HISTORY

The community of La Jolla is largely a coastal-oriented town which is a prime visitor-destination area adjacent to the Pacific Ocean with upland areas including steep hillsides, and is bordered by the communities of North City to the north, University City to the east, Pacific Beach to the south, and the Pacific Ocean to the west. The majority of the community is located within the Coastal Zone. The eastern coastal zone boundary follows Torrey Pines Road southward to Ardath Road, La Jolla Scenic Drive South, and southwesterly on Rutgers Road to La Jolla Mesa Drive in a westerly direction to La Jolla Boulevard and then south to the boundary with the community of Pacific Beach.

The main entrance to La Jolla is on westbound Ardath Road from Interstate 5 with access also gained from the north along Torrey Pines Road, La Jolla Scenic Drive, and from the south from the Pacific Beach community along La Jolla Boulevard. The community is characterized by areas of both fairly level marine terraces and steep coastal bluffs. The community's shoreline contains prime areas for recreational opportunities, with many of the beaches being city owned. Further inland, are steep foothills which contain native coastal sage chaparral plant communities and which provide spectacular panoramic views of the ocean to the west.

The community of La Jolla is a neighborhood within the City of San Diego. There are numerous beach and recreational areas within the community which include, from south to north: Tourmaline Surfing Park, Bird Rock, Windansea, Children's Pool, The Cove/Ellen Scripps Park, La Jolla Shores/Kellogg Park, La Jolla Farms, Black's Beach and the La Jolla Underwater Park. Commercial areas are primarily developed in the central core of La Jolla along Prospect and Pearl Streets and Girard Avenue. Other commercial areas include La Jolla Boulevard in the Bird Rock and Windansea areas and Avenida de la Playa in the La Jolla Shores area.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds

that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION I:** *I move that the Commission certify the Land use Plan Amendment for the City of San Diego LCP #1-02(A) as submitted.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment submitted for the City of San Diego LCP #1-02(A) and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

Land Use Plan Certification with Suggested Modifications

- MOTION:** *I move that the Commission certify the Land Use Plan Amendment for City of San Diego LCP #1-02(A) as submitted by the City of San Diego, if modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment for the City of San Diego LCP #1-02(A) if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LCP Amendment be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1) On Page 11, under Plan Organization, the third paragraph in right-hand column shall be revised as follows:

- Elements of the community plan serve as the framework for generating land use goals for the future development and the protection of environmentally sensitive resources within the community, and describes the policies that will guide the actions of the city as it works toward achieving these goals. Each element has five main sections: Goals, Background, Policies, Action Plan, and Plan Recommendations. The goals are general statements of vision and objectives of the element. The background section provides general information and context for the various topics regarding the element. The policies are specific objectives and design criteria that guide the implementation. The action plan identifies specific actions that need to be taken to address certain policies and plan recommendations. The plan recommendations are directives on standards and requirements that implement the policies. This section also contains tables of recommended actions to implement the policies and proposals of the plan and time frames for achieving them.

2) On page 26 revise the section titled Nonpoint Source Pollution Runoff as follows (as suggested by the City):

- Nonpoint Source Pollution in Urban Runoff

~~The Community Facilities, Parks and Services Element contains references to the City of San Diego's ongoing management measures to identify, prevent and control nonpoint source pollution. This citywide issue of ensuring that new development and redevelopment address nonpoint source pollution from urban runoff is being~~ will be addressed through a multi-tiered strategy in first, the Progress Guide and General Plan is being amended to include water quality and watershed protection principles; and second, City ordinances, including the Storm Water Management and Discharge Control Ordinance (M.C. Section 43.03 et seq.), and Storm Water Runoff and Drainage Regulations (M.C. 142.02 et seq) have been ~~will be~~ amended to comply with the City's Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit to ensure the preservation of local water resources for future generations; and third, the City began implementation the Storm Water Standards Manual (dated October 23, 2002) on December 2, 2002 to ensure that all applicable construction and permanent storm water requirements are implemented on development and redevelopment projects.

For all new development and redevelopment in the La Jolla Community Planning area, the Community Facilities, Parks and Services Element contains references the City of San Diego's ongoing management strategy to identify prevent and control nonpoint source pollution associated with urban runoff, and identifies associated policies and recommendations to ensure the protection of water resources in the La Jolla community.

3) On Page 38, under Open Space Preservation and Natural Resource Protection, the last paragraph shall be revised as follows:

The City's Environmentally Sensitive Lands regulations and Sensitive Coastal Overlay zone regulations restrict the degree to which private development is allowed to encroach upon biologically sensitive open areas, steep hillsides and coastal bluffs in order to preserve their stability, plant and wildlife habitats. In addition, the open space designations and zoning protect the hillsides and canyons for their park, recreation, scenic and open space values. The location of the public and private dedicated and designated open space and park areas and easements in La Jolla are shown on Figure 7 and include, but are not limited to, all lands designated as sensitive slopes, watershed or geologic hazard on City of San Diego Map C-720 dated 12/24/85 (last revision) .

4) On Page 40, under Steep Hillsides, the second paragraph shall be revised as follows:

The steep hillside development ~~development~~ regulations contained in the Environmentally Sensitive Lands regulations of the Land Development Code are intended to preserve the natural hillsides and vegetation and the wildlife habitat areas and linkages that are located on many of La Jolla's steep slopes. Moreover, these regulations are intended to protect the visual resources of the community that can be seen from public vantage points along

these hillsides, to minimize the potential of hillside erosion due to excessive grading and disturbance, to revegetate and restore steep hillsides, when possible, and to protect public safety, particularly in areas of seismic and geological instability.

5) On Page 40, under Steep Hillsides, the last paragraph shall be revised as follows:

In addition, the ~~steep hillside development and open space~~ regulations are intended to be used in conjunction with the policies and plan recommendations identified in the Residential Element of this plan and the seismic and geological studies for the area.

6) On Page 47, Open Space Preservation and Natural Resource Protection, Policy 1(d) shall be struck and replaced with the following:

- d. ~~Mitigation for biological impacts should, if possible, occur within the boundaries of the La Jolla community. If biological impacts occur within the coastal zone of La Jolla, the mitigation should occur within the coastal zone of La Jolla, and if not, elsewhere within the La Jolla community. Mitigation for biological impacts within La Jolla should only be considered outside of the community if the applicant can demonstrate that there is no feasible way to mitigate within the community.~~

7) On Page 47, Open Space Preservation and Natural Resource Protection, Policy 1(f) shall be revised as follows:

- f. The City ~~should~~ shall ensure the preservation of portions of public and private property that are partially or wholly designated as open space to the maximum extent feasible. Development potential on open space lands shown on Figure 7 shall be limited to preserve the park, recreation, scenic, habitat and/or open space values of these lands, and to protect public health and safety. Maximum developable area and encroachment limitations are established to concentrate development in existing developed areas and outside designated open space. Prior to the adoption of rezonings for the open space shown on Figure 7, and in addition to the Environmentally Sensitive Lands regulations, when applicable, the encroachment limitation standards taken from the OR-1-1 and OR-1-2 zone and included in Appendix L, shall be implemented for development on those portions of the property designated as open space on Figure 7.

8) On Pages 47-48, Visual Resources, Policy 2(a-c) shall be revised as follows:

- a. ~~The City should ensure that p~~Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons ~~are~~ shall be retained and enhanced for public use (see Figure 9 and Appendix G).

- a. ~~The City should ensure that p~~Public views to the ocean from the first public roadway adjacent to the ocean ~~are~~ shall be preserved and enhanced, including visual access across private coastal properties at ~~side yards~~ and setbacks.
- b. ~~The City should ensure that t~~The scenic value and visual quality of Mount Soledad Park, La Jolla Heights Park and habitat linkages through steep slopes and canyons ~~are~~ shall be protected from developments or improvements that would detract from the scenic quality and value of these resources.

9) On Page 48, Shoreline Areas and Coastal Bluffs, Policy 3(a) shall be revised as follows:

- a. The City should preserve and protect the coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, encourages sensitive-development, retains biodiversity and interconnected habitats and maximizes physical and visual public access and along the shoreline.

Coastal bluffs are formed by constant wave action eroding the base of the cliffs, and causing the shoreline to move landward. The coastline retreat is rapid in some areas, slower in others, and can be greatly accelerated by human activities. To protect the natural beauty of the coastline while allowing the natural shoreline retreat process to continue, the City and the State aggressively regulate coastal development to prevent activities such as misdirected drainage from increasing natural erosion. Only appropriate erosion control measures that maintain the natural environment, yet allow for the effective drainage of surface water shall be permitted. Surface water drainage ~~should~~ shall not be allowed to drain over or near the bluff, but rather shall be directed towards the street or directed into subterranean drainage facilities with energy dissipating devices. Where street drainage systems erode bluffs, the drainage system should be redesigned to present bluff erosion.

10) On Page 48, Shoreline Areas and Coastal Bluffs, Policy 3(b) shall be revised as follows:

- b. The City ~~should~~ shall maintain, and where feasible, enhance and restore the shoreline areas such as Torrey Pines City Beach, Coast Walk, Emerald Cove, Wipeout Beach and Hospital Point, along with the areas of Scripps Park, Coast Boulevard Park, including Shell Beach and the Children's Pool, in order to benefit present and future residents and visitors to these areas (see Appendix G, Figures A through E).

11) On Page 48 Shoreline Areas and Coastal Bluffs Policy 3c shall be revised as follows:

- c. Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion control devices so as not to impact the geology and visual quality of the bluff and/or public access along the shoreline.

12) On Page 48, Shoreline Areas and Coastal Bluffs, Policy 3(d) shall be revised as follows:

- d. Accessory structures located within the bluff edge setback should be removed or relocated if determined that they pose a threat to bluff stability. When feasible, accessory structures should be brought into conformance with current standards and regulations.

13) On Page 49, Shoreline Areas and Coastal Bluffs Policy 3(e) shall be revised as follows:

- e. On coastal bluff property, when ~~redevelopment~~ demolition and/or reconstruction of an existing previously conforming structure ~~includes the demolition or removal~~ results in replacement of 50 percent or more of the previously-conforming structure, exterior walls, require the entire structure to be brought into conformance with all policies and standards of the Local Coastal Program development regulations pursuant to the Land Development Code, including, but not limited to, bluff edge setback. The 50 percent ~~removal~~ replacement is a cumulative total measured from March 17, 1990. Additions that increase the size of the structure by 50 percent or more, including all additions that were undertaken after March 17, 1990, shall not be authorized unless such structures are brought into conformance with the policies and standards of the Local Coastal Program.

14) On Page 49, Steep Hillside Policy 4(a) shall be revised as follows:

- a. The City ~~should~~ shall apply the Environmentally Sensitive Lands regulations to all new development on property in La Jolla having slopes with a natural gradient of 25 percent or greater and a minimum differential of 50 feet. The Environmentally Sensitive Lands regulations provide supplementary development regulations to underlying zones such as development encroachment limits for natural steep slopes, erosion control measures and compliance with design standards identified in the Steep Hillside Guidelines. Development on steep hillsides shall avoid encroachment into such hillsides to the maximum extent possible. When encroachment is unavoidable, it shall be minimized and in accordance with the encroachment limitation standards contained in the plan. These regulations ~~to~~ assure that development occurs in a manner that protects the natural topographic character of the hillsides as well as ~~to~~ insure that development does not create soil erosion or contribute to slide damage and the silting of lower slopes. Disturbed portions of steep hillsides shall be revegetated or restored to the extent possible.

15) On Page 49, Steep Hillside Policy 4(b) shall be revised as follows:

- b. The City should not issue a development permit for a project located on steep hillsides ~~natural slopes~~ in La Jolla, unless all the policies, recommendations and conditions identified in this plan element are met.

16) On Page 49, Steep Hillside Policy 4(c) shall be revised as follows:

- c. The City should ~~maintain~~ rezone the existing zone of slopes above 25 percent open space areas shown on Figure 7 as open space and should discourage the rezoning of ~~these other steep slopes areas~~ to allow a higher residential density than what is currently allowed.

17) On Page 49, Public Access, Policy 5(b) shall be revised as follows:

- b. ~~The City should institute a~~ The City should institute a comprehensive sign program along Prospect Street, North Torrey Pines Road, La Jolla Boulevard and La Jolla Shores Drive and La Jolla's coastline to identify existing public access points and enhance public safety along the coastal bluffs. The implementation of such a program could be done by the City through the Capital Improvement Program and/or through the review process for private development.

18) On Page 49, Public Access, Policy 5(c) shall be revised as follows:

- c. The City ~~should~~ shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas. No encroachment into the public right-of-way should be permitted within the Coastal Zone without a permit.

19) On Page 51, Open Space Preservation and Natural Resource Protection, revise and replace the last implementation measure with the following implementation measure:

IMPLEMENTATION	ADOPT WITH PLAN	TIMING WITHIN 5 YEARS	RESPONSIBILITY	FUNDING	SEE FOR MORE DETAILS
Develop an appropriate OR zone and apply to portions of private or public property that are designated open space	.		Planning Dept.	City	Policy 2e Recommendation 1f
<u>Apply encroachment limitation standards shown in Appendix L to portions of private property that are designated open space and shown on Figure 7, including but not limited to, all lands shown as sensitive slopes,</u>					<u>Policy 1(f) Recommendation 1e</u>

viewshed or geologic hazard
on City of San Diego Map
C-720.

20) On Page 51, Open Space Preservation and Natural Resource Protection, add the following implementation measures:

<u>IMPLEMENTATION</u>	<u>ADOPT WITH PLAN</u>	<u>TIMING WITHIN 5 YEARS</u>	<u>RESPONSIBILITY</u>	<u>FUNDING</u>	<u>SEE FOR MORE DETAILS</u>
<u>Rezone to OR 1-1 or OR 1-2 portions of Private property that are designated open space and shown on Figure 7, including but not limited to, all land shown as sensitive, slopes, viewshed or geologic hazard on City of San Diego Map C-720</u>		•	<u>Planning Dept.</u>		<u>Policy 1f, 4c Recommendation 1e</u>
<u>Apply appropriate open space zones to all publicly owned dedicated or designated open space shown on Figure 7 through rezoning.</u>		•			<u>Policy 1f Recommendation 1f</u>
<u>Prepare with the community a needs assessment for all public access points along the shoreline to formulate recommendations for needed improvements</u>		•	<u>Planning Dept.</u>	<u>City</u>	<u>Policies 3b, 5a, b, c, 7 Recommendations 3a-g & 3i, 3m & 3r</u>

21) On Page 52, Open Space Preservation and Natural Resource Protection Recommendation 1(a) shall be revised as follows:

- a. Limit encroachment of new development in sensitive resource areas by implementing the Environmentally Sensitive Lands regulations of the Land Development Code. These regulations establish encroachment limits for sensitive hillsides and biological areas that adequately preserve and protect resources while allowing a limited amount of development on private property and require preservation of sensitive areas not ~~proposed~~ approved for development.

Limit encroachment of new development in open space areas identified in Figure 7 by implementing the appropriate open space zone regulations of the Land Development Code. These regulations implement the open space policies of this plan by limiting uses, establishing encroachment limits for lots that are entirely or partially designated as open space, while allowing a limited amount of development on private property, and requiring preservation of open space areas not approved for development. Until the open space areas are rezoned to the appropriate open space zone, apply the encroachment limitation standards in Appendix L to development proposals on private property that contains any portion in open space designation as shown in Figure 7.

22) On Page 52, Open Space Preservation and Natural Resource Protection Recommendation 1(e) shall be revised as follows:

- e. Preserve sensitive resource and open space areas to the maximum extent possible. Allow only limited development in these areas. Rezone open space areas on private property to an Open Space-Residential (OR) zone so that the open space can be preserved to the appropriate level while allowing limited development of the property. Apply encroachment limitation standards, shown in Appendix L, to establish maximum developable area and preserve open space values prior to completion of rezones.

23) On Page 52, Visual Resources Recommendation 2(a) shall be revised as follows:

- a. Install utility lines and accessory facilities and equipment underground in dedicated parkland and in open space areas. Encourage new and existing development to locate cable, telephone and utility lines underground wherever feasible. Do not obstruct public views to Mount Soledad and to and along the ocean, as identified in Figure 9 and Appendix G, by overhead utility poles that intrude on the views to these natural features from public places.

24) On Page 53, Visual Resources Recommendation 2(c) shall be revised as follows:

- c. Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G (Coastal Access Subarea maps). Public views to the ocean along public streets are identified in Appendix G. Design and site proposed development that may affect an existing or potential public views to be protected, as identified in Figure 9 or in Appendix G, in such a manner as to preserve, enhance or restore the designated public view.

25) On Page 53, Visual Resources Recommendation 2(d) shall be revised as follows:

- d. Implement the regulation of the building envelope to preserve public views through the height, setback, landscaping and fence transparency regulations of the

Land Development Code that limit the building profile and maximize view opportunities.

26) On Page 53, Visual Resources Recommendation 2(e) shall be revised as follows:

e. Where development is visible from existing streets ~~serve as~~ public vantage points, as identified in Figure 9 and Appendix G including, but not limited to, view corridors and scenic overlooks and their associated viewsheds, set back and terrace development on corner lots and/or away from the street in order to preserve and enhance the public views provided from the public vantage point to and along the ocean. ~~Vigorously~~ In-review of variances requests for reduced sideyard and frontyard setbacks within the viewshed of public vantage points, when development occurs adjacent to identified view corridors or on property between the ocean and first coastal roadway, do not allow any reduction in the public view provided to and along the ocean. Figure 9 and Appendix G list streets that provide identified public views to and along the ocean to be protected from visual obstruction.

27) On Page 53, Visual Resources Recommendation 2(h) shall be revised as follows:

h. Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance or restore existing or potential view corridors within the ~~side yards~~ and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent ~~and~~ appearance of the public right-of-way-being walled off from the ocean.

28) On Page 53, Visual Resources Recommendation 2(j) shall be revised as follows:

j. As viewed from identified scenic overlooks, minimize the impact of bulk and scale, rooflines and landscaping on the viewshed over the property.

29) On Page 53, Shoreline Areas Recommendation 3(a) shall be revised as follows:

a. Maintain, enhance and restore existing facilities including streets, public easements, stairways, pathways and parking areas in order to provide adequate public access to the shoreline. Detailed maps and specific subarea recommendations are provided in Appendix G.

30) On Page 54, Shoreline Areas Recommendation 3(d) shall be revised as follows:

d. Maintain, enhance and restore coastline resource-based parks such as Tourmaline Surfing Park and La Jolla Strand Park, between Playa del Sur and Palomar Street, in order to preserve the scenic quality of these areas.

31) On Page 54, Shoreline Areas Recommendation 3(f) shall be revised as follows:

- e. Maintain, enhance and restore the natural scenic character of existing coastal trails such as those of Coast Walk and Mira Monte Place. Maintain the right-of-way along Coast Walk between the existing footbridge at Park Row and Goldfish Point, for pedestrian use only.

32) On Page 54, Shoreline Areas Recommendation 3(i) shall be revised as follows:

- i. Maintain, enhance and restore all existing steps and paved access ramps to beach and shoreline parks, such as those at Marine Street Beach, Tourmaline Surfing Park and La Jolla Strand Park, in order to increase public safety and vertical access to these areas.

33) On Page 54, Shoreline Areas Recommendation 3(l) shall be revised as follows:

- l. ~~Designate~~ Consider establishing public access to and dedication of Charlotte Park as public open space.

34) On Page 55, Shoreline Areas Recommendation 3(q) shall be revised as follows:

- q. Where new development is proposed on property that lies between the shoreline and the first public roadway, offer for dedication as a public easement, lateral access along the ~~beach~~ shoreline.

35) On Page 55, Shoreline Areas Recommendation 3(r) shall be revised as follows:

- r. Maintain or, if necessary, remove, modify or relocate landscaping on City-owned land and easements, and public right-of way, to preserve, enhance, or restore identified public physical and/or visual access to the ocean.

36) On Page 55, Shoreline Areas Recommendations 3(s), 3(t) and 3(u) shall be added as follows:

- s. Maintain and enhance additional park furnishings such as guard rail, benches, trash, receptacles, and signs at Forward Street. Discourage access down bluffs due to hazards. Consider reserve site for stairway if future needs warrant it and geologic hazard can be mitigated. Maintain visual access and view corridor. If offered, accept Coastal Commission required easement as view corridor only.
- t. Maintain and enhance additional park furnishings such as guard rail, benches, trash, receptacles, and signs at Midway Street. Discourage access down bluffs due to hazards. Consider reserve site for stairway if future needs warrant it and geologic hazard can be mitigated. Maintain visual access and view corridor.
- u. Calumet Park should be given a high priority for the development of an access stairway down the bluff. Access should be contingent upon adequate mitigation

of geologic and bluff stability problems. Utilize drought tolerant, non-invasive landscaping materials to beautify park.

37) On Page 55, Coastal Bluffs Recommendation 4(b) shall be revised as follows:

- b. Set back new development on property containing a coastal bluff at least 40 feet from the bluff edge so as to not impact the geology and visual quality of the bluff. This setback may be reduced to not less than 25 feet if evidence is provided that indicates the site is stable enough to support the development at the proposed location without requiring construction of shoreline protective measures throughout the economic lifespan of the structure (not less than 75 years). Require applicants to accept a deed restriction to waive all rights to protective devices associated with development on coastal bluffs. Do not allow a bluff edge setback less than 40 feet if erosion control measures or shoreline protective devices exists on the site ~~due to excessive erosion~~ which are necessary to protect the existing principal structure in danger from erosion. Require removal of obsolete or unnecessary protective devices, when feasible, and in a safe manner, or otherwise allow such devices to deteriorate naturally over time without any improvements allowed, to restore the natural integrity and visual quality of the coastal bluff over the long-term. When appropriate, development may include fencing to deter trespassing and protect fragile resources, and erosion control measures. These measures, such as seawall and drainage conduits, are subject to the Environmentally Sensitive Lands regulations which will ensure that such measures do not alter the natural character of the bluff face, restrict public access, or encroach on public property. Do not allow erosion control measures on a site where development was approved with less than a 40 foot bluff edge setback, unless otherwise permitted in the Sensitive Coastal Bluff Regulations in the Land Development Code.

38) On Page 55, Coastal Bluffs Recommendation 4(d) shall be revised as follows:

- d. Permit placement of shoreline protective works, such as air-placed concrete, seawalls, revetments and parapets, only when required to ~~save~~ serve coastal dependent uses or when there are not other feasible means to protect existing principal structures such as homes in danger ~~from~~ of erosion ~~from wave action,~~ and when such protective structures are designed to eliminate or mitigate adverse impacts on shoreline sand supply. Do not allow the placement of such protective structures to encroach on any public areas unless engineering studies indicate that minimal encroachment may be necessary to avoid significant erosion conditions and that no other viable alternative exists. Require replacement protection to be located as far landward as possible, and require infilling between protective devices to encroach no further seaward than the adjacent devices/structures. Remove obsolete protective structures, when feasible, and restore beach area to public use.

39) On Page 56, Coastal Bluffs Recommendation 4(j) shall be revised as follows:

- j. Require removal or relocation of accessory structures located within the bluff edge setback if it is determined, in conjunction with proposed development on the site, that such structures pose a threat to the bluff stability, or, such structures should be brought into conformance with current regulations.

40) Page 56, Coastal Bluffs Recommendation 4(k) shall be revised as follows:

- k. For structures located partially or entirely within the bluff edge setback, require all additions (at grade and at upper floors) to be landward of the bluff edge setback line. Additions that increase the size of the structure by 50 percent or more, including all authorized additions that were undertaken after March 17, 1990 (effective certification of the LCP), shall not be authorized unless such structures are brought into conformance with the policies and standards of the Local Coastal Program.

41) On Page 56, Coastal Bluffs Recommendation 4(l) shall be added as follows:

- l. For structures located partially or entirely within the bluff edge setback, do not authorize demolition and/or reconstruction that results in replacement of more than 50 percent of the structure, including all demolition and/or reconstruction that was undertaken after March 17, 1990, unless the entire structure is brought into conformance with the policies and standards of the Local Coastal Program. Replacement of more than 50 percent of a structure includes, but is not limited to, removal of more than 50 percent of the exterior walls or removal of a substantial portion of the exterior walls in combination with substantial reconstruction of more than 50 percent of the interior of the structure.

42) On Page 56, under 5. Steep Hillsides, the first paragraph should be revised as follows:

In addition to the recommendations contained in the Residential Element of this plan and the requirements in the Land Development Code, including the Environmentally Sensitive Lands regulations and the Steep Hillside Guidelines of the Land Development Manual, the following hHillside Development Guidelines recommendations should shall be used as requirements in evaluating new development proposed on all properties containing slopes in La Jolla which equal or exceed 25 percent:

43) On Page 57, the Steep Hillside Recommendation 5(k) shall be revised as follows:

- k. Set back large residential structures from the top of slope of steep hillsides so that the design and site placement of a proposed project respect the existing natural landform and resources and steep hillside character of the site ~~in accordance with the Environmentally Sensitive Lands regulations and the Steep Hillside Guidelines in the Land Development Manual~~. This is especially important for those locations that are visible from natural open space systems, park lands, major

coastal access routes and the seashore. The reservation of the natural character of these areas depends upon minimizing visual intrusions.

44) On Page 58, the Steep Hillside Recommendation 5(r) shall be revised as follows:

- r. Require lot divisions to have a portion of each created lot in areas of less than 25 percent gradient. The portion of the lot to be in slopes of less than 25 percent gradient should be large enough to accommodate development consistent with the open space and resource protection policies of this plan and the Land Development Code; and in areas where there is a Floor Area Ratio, the area should be equal to or exceeding the area represented by the Floor Area Ratio for the zone in which the property is located. This requirement would not apply to parcels restricted to open space uses, either by dedication or transfer of title to the City or another responsible agency. In the case of clustered developments obtained through a Planned Development Permit, allow lot divisions provided the development is located in the flattest and/or disturbed portions of the site and is designed to harmonize with the natural features of the hillsides.

45) On Page 58, the Steep Hillside Recommendation 5(s) shall be revised as follows:

- s. Locate developments, grading or land alterations (including private access roads) associated with subdivisions or development permits on existing slopes of less than 25 percent gradient, and harmonize the site design with the natural features of the hillsides. ~~Develop~~ Specific criteria govern the extent of development area and allowable encroachment into steep hillsides in order to preserve, to the maximum extent possible, open space value, natural steep hillsides, sensitive resources and wildlife habitat and linkages. When encroachment onto steep hillsides is unavoidable, encroachment is permitted in such steep hillsides to provide for a development area of up to a maximum 25% of the premises on property containing less than 91% of such steep hillsides. On existing legal lots, where 91% of the property or greater is steep hillsides, the maximum allowable development area is 20% of the premises, thereby preserving the remaining portions of the hillside in a natural undisturbed state. However, an additional 5% encroachment may be permitted if necessary to allow economically viable use.

46) On Page 59, Steep Hillside Recommendation 5(t) should be revised as follows:

- t. Preserve steep hillsides in their natural state and minimize encroachments into hillsides to the maximum extent possible to preserve their open space value. On existing legal lots with steep hillsides, encroachment into the steep hillside area should be limited in order to preserve portions of the hillside in a natural, undisturbed state while providing useable development area. The trimming of vegetation that retains the root stock and is greater than thirty feet from any structure (Zone 2 brush management) as mandated by the City in order to meet Fire Code regulations is ~~may be~~ exempted from this encroachment limitation, if habitat quality is maintained.

47) On Page 59, Natural Resources and Open Space System Element, Plan Recommendation 5(x) shall be revised as follows:

- x. Create a monitoring program to ensure compliance with this plan's policies and recommendations related to hillside grading and drainage.

48) On Page 69, Transportation System Element, Parking Recommendation 4(e) shall be revised to read as follows:

- 1. Require that all proposed development maintain and enhance public access to the coast by providing adequate parking per the Coastal Parking regulations of the Land Development Code. This required parking ~~should take into account the additional parking needs of~~ includes higher parking ratios for multiple-dwelling units in the Beach Impact Areas, as well as the required prohibition of curb cuts where there is alley access, in order to retain and enhance publicly-accessible street parking for beach visitors.

49) On Page 69, Transportation System Element, a Parking Plan Recommendation 4(f) shall be added to read as follows:

- f. All red-curbing on the first street adjacent to the ocean should be reviewed for appropriateness and previous authorization in order to assure that on-street parking is protected for beach visitors to the maximum extent feasible. Unauthorized red-curbing shall be removed.

50) On Page 78, Residential Land Use Element, under Development Near Coastal Bluffs, the following paragraph shall be revised as follows:

The shoreline bluffs are one of the community's most beautiful scenic resources and offer magnificent vistas of the ocean and the coastline of La Jolla. The views provided by these coastal bluffs continue to offer a tremendous incentive for residential development along the bluff top. Studies, however, have indicated that certain bluffs are susceptible to periodic erosion and are unstable. Seawalls, revetments and parapets which have been constructed in some cases to protect private homes and property may eventually become structurally unstable. Thus, the coastal bluff regulations that are contained in the Environmentally Sensitive Lands regulations of the Land Development Code are intended to guide the placement of these seawalls, revetments, parapets and residential structures in order to prevent structural damage to existing principal structures, minimize erosion of the bluff face, minimize impacts on local shoreline sand supply and maintain lateral public access along the coast.

51) On Page 80, Residential Land Use Element, Development Near Coastal Bluffs Policy 3(a) shall be revised as follows:

- a. The City should ensure that residential projects along the coastal bluff maintain ~~side~~yards and setbacks as established by the underlying zone and other applicable regulations in the Land Development Code in order to form view corridors and to prevent a walled-off appearance from the street to the ocean.

52) On Page 83, add a new Action Plan item as follows (as suggested by the City):

IMPLEMENTATION	ADOPT WITH PLAN	WITHIN 5 YEARS	RESPONSIBILITY	FUNDING	SEE FOR MORE DETAILS
<u>Prepare an urban design element to be included in the community plan</u>		:	<u>Planning Dept.</u>	<u>City</u>	<u>Policies 2 & 5 Recommendations 2 & 5</u>

53) On Page 41, Correct Figure 7 to show Charlotte Park as Open Space

54) Add Appendix L to the land use plan as follows:

APPENDIX L

Encroachment Limitation Standards for Open Space shown on Figure 7 (taken from OR Zone regulations in the Land Development Code)

Within the open space shown on Figure 7 of this land use plan, encroachment shall be limited and no development shall occur unless the premises complies with the standards below:

Allowable Development in Open Space on Figure 7 (or OR Zones)

(a) On a site containing area designated as open space, up to 25 percent of the premises may be developed subject to the following:

(1) If the entire site is designated open space, and if 25 percent or more of the entire site is not in its natural state due to existing development, any new development proposed shall occur within the disturbed portion of the site and no additional development area is permitted.

(2) If only a portion of the site contains open space designation, the following shall apply:

(A) If less than 25 percent of the premises is outside the open space, the portion that is outside the open space shall be developed before any encroachment into the open space

portion of the site. Encroachment into the open space may be permitted to achieve a maximum development area of 25 percent of the entire site (including the open space and non-open space areas).

(B) If more than 25 percent of the premises is outside the open space, the area outside the open space may be developed and no additional development area is permitted.

(b) Within the Coastal Overlay Zone, coastal development on premises containing environmentally sensitive lands is subject to the use and encroachment limitations and any other applicable regulations established for those lands in the Local Coastal Program, in addition to the above encroachment limitation standards established for the open space portion of the site.

55) On Page 109, revise the section titled Nonpoint Pollution Runoff, as follows (as suggested by the City):

Storm Water Conveyance System - Nonpoint Source Pollution in Urban Runoff

The City of San Diego recognizes the impacts of nonpoint source pollution runoff on coastal waters. Pollutants in Urban runoff are theis-a leading cause of water quality impairment in the San Diego region. As runoff flows over urban areas, it picks up harmful pollutants such as pathogens, sediment, fertilizers, pesticides, heavy metals, and petroleum products. These pollutants are conveyed through the City's storm water conveyance system into streams, lakes, bays and the ocean without treatment. New development, if not adequately designed, creates new surfaces which potentially contribute pollutants to the storm water conveyance system and eventually our beaches and bays. To address nonpoint source pollution in the land use planning phase of development, the City is in the process of updating it's Progress Guide and General Plan to include water quality and watershed protection policies and principles. To address current development and redevelopment projects, including all development projects in La Jolla, Ththe City's development regulations have been revised to include approach to effectively reducing pollutants in urban runoff involves the application of a combination of site design, pollution prevention, source control and treatment control Best Management Practices (BMP's). These BMPs are considered "permanent" BMPs because they function throughout the "use" of a developed project site, and are contained in the City's Storm Water Standards Manual (dated October 23, 2002) and effective December 2, 2002. The City of San Diego Progress Guide and General Plan will be amended to incorporate policies and principles designed to safeguard water resources for future generations.

56) On Page 110, revise the Community Facilities, Parks and Services Policies as follows (as suggested by the City):

8. The City should ensure that ~~proposed and existing~~ development projects adheres to the City Storm Water Management and Discharge Control ordinance in order to control non-storm water discharges, eliminate discharge from spills, dumping or disposal of materials other than storm water, and reduce pollution in urban storm water to the maximum extent practicable possible.

The City should ensure that proposed development and redevelopment projects adhere to the City's ~~Drainage Regulations~~, Storm Water Runoff and Drainage Regulations, and Storm Water Standards Manual in order to limit ~~water quality~~ impacts to water resources (including coastal waters), minimize disruption of the area's natural hydrologic regime, minimize flooding hazards while minimizing the need for flood control facilities, ~~to~~ reduce impacts to environmentally sensitive lands, and ~~to~~ implement federal and state regulations.

~~The City should maintain storm drains and~~ The City should continue education, enforcement and Best Management Practices and programs to address nonpoint source pollution runoff and its effect on water quality in order to ensure the preservation of local water resources. ~~The Citywide development regulations Municipal Stormwater Permit should~~ shall continue to include enhanced and improve BMPs designed to prevent and control nonpoint source pollution.

The City should ~~adoption of~~ new General Plan policies including watershed protection principles, to ~~and implementation of a full range of BMPs will~~ ensure the preservation for local water resources for future generations.

- 57) On Page 115, delete Plan Recommendation #7 in its entirety and replace it with the following Plan Recommendations #7 and #8:

7. Watershed Analysis, Planning, and Permitting

The City shall promote watershed-wide water quality analysis and planning efforts the results of which will be considered during permitting. Watershed analysis and planning efforts should include:

- Identifying priority watersheds where there are known water quality problems and where development pressures are greatest;
- In priority areas, assessing land uses that degrade coastal water quality;
- Analyzing suitability of project location, site designs, and storm water management plans for all new development using the watershed analysis information;
- Promoting regional protection of natural drainage, riparian, wetland resources;
- Promoting regional infiltration techniques for stormwater management;
- Ensuring new development does not adversely impact watershed features, including springs, streams (including ephemeral streams), rivers, ponds, estuaries, wetlands, and drainage ways that have habitat value (including constructed) within the coastal watersheds.

- Evaluating all proposed channelization projects for potential benefits and/or adverse impacts on downstream water quality.
- Ensuring full public participation in the plan's development.

8. Development Analysis

- Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters and the generation of polluted runoff and nuisance flows.
- Development shall not result in the degradation of the water quality of coastal surface waters including the ocean, coastal streams, or wetlands and of groundwater basins. To the maximum extent feasible, ensure that pollution from urban runoff not be discharged or deposited such that it adversely impacts groundwater, the ocean, coastal streams, or wetlands.
- Development shall be designed to minimize to the maximum extent feasible, the introduction of pollutants that may result in significant impacts to surface waters, groundwater, or coastal waters. In order to meet these requirements, applicants shall prepare a post-development phase drainage and polluted runoff control plan that incorporates a Best Management Practice (BMP) or the combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible. BMPs may include site design, source control, and treatment control BMPs.
- Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs.
- All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure proper functioning of the BMPs.
- Promote the maintenance of predevelopment hydrologic conditions where feasible, such that downstream erosion is reduced and groundwater is recharged to a stable state.
- Promote infiltration of runoff, including storm water and nuisance flow runoff, to protect the natural hydrologic cycle. Incorporate site drainage and landscape designs that minimize increases in peak runoff by promoting infiltration, filtration, and attenuation over landscaped areas or through permeable surfaces. Where possible, include infiltration BMPs (e.g. permeable pavements, dry wells, etc.) and apply techniques consistently over drainage areas. Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMPs that do not require infiltration.

- h. New development shall minimize the development footprint and directly connected impervious surfaces, as well as the creation of and increases in impervious surfaces.
- i. New development shall protect the adsorption, purification, and retention functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible
- j. New development shall be sited and designed on the most suitable portion of the site while ensuring protection and preservation of natural and sensitive site resources by providing for the following:
 - Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;
 - Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;
 - Promoting clustering of development on the most suitable portions of a site taking into account geologic constraints, sensitive resources, and natural drainage features;
 - Preserving and protecting riparian corridors, wetlands, and buffer zones;
 - Minimizing disturbance of natural areas, including significant trees, native vegetation, and root structures;
 - Using natural drainage as a design element, maximizing the preservation of natural contours and native vegetation;
 - Limiting land disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils.
- k. The City shall develop a water quality checklist to be used in the permit review process to assess potential water quality impacts.
- l. Management practices that enhance infiltration and help maintain the natural hydrologic cycle will be preferred except where site conditions make the use of enhanced infiltration unsafe. In these instances other management practices that provide similar water quality protection shall be used.
- m. All new development shall meet the requirements of the California Regional Water Quality Control Board San Diego Region's *Waste Discharge Requirements for discharges of urban runoff from Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated*

Cities of San Diego County, and the San Diego Unified Port District (Order No. 2001-01, dated February 21, 2001) or subsequent versions of this plan.

- n. New roads, bridges, culverts, and outfalls shall not cause or contribute to streambank or hillside erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality including construction phase erosion control and polluted runoff control plans, and soil stabilization practices. Where space is available, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design.
- o. Commercial development shall incorporate BMPs designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.
- p. Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain system.
- q. Gasoline stations, car washes and automotive repair facilities shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, car battery acid, coolant, gasoline, and other pollutants to stormwater system.
- r. Storm drain stenciling and signage shall be provided for new stormdrain construction in order to discourage dumping into drains.
- s. Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs.
- t. The City, property owners, or homeowners associations, as applicable, shall be required to maintain any permitted drainage device to ensure it functions as designed and intended. Owners of these devices shall be responsible for ensuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.
- u. The City, property owners, or homeowners associations, as applicable, shall sweep permitted public and private streets frequently to remove debris and contaminant residue.
- v. New development shall include construction phase erosion control and polluted runoff control plans. For example, such plans may include controls on timing of grading, BMPs for storage and disposal of construction materials, or design specifications of sedimentation basins.
- w. New development that requires a grading/erosion control plan shall include landscaping and re-vegetation of graded or disturbed areas.

- x. The use of efficient irrigation practices and native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation will be recommended.

58) Listed below are the City's Correction/Clarification Items for the Draft June 2002 La Jolla Community Plan Update:

1. Princess Street View Cone to be added on Figure 9.
2. Change Policies referring to 1(f) and Recommendation to 1(e) in the last item of the Action Plan on page 51.
3. At the end of page 144, delete "of the San Diego Land Development Code."
4. Reinstate the graphics and note "previous location of unimproved foot trail on private parcels" on the Subarea A: La Jolla Farms-Physical Access map.
5. Expand Subarea C: La Jolla Shores maps to include missing area at Roseland Drive.
6. Show properties seaward of Spindrift Drive on Subarea D: Coast Walk-Visual Access map.

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, IF MODIFIED

A. AMENDMENT DESCRIPTION

The proposed submittal comprises a comprehensive updated La Jolla Community Plan and Local Coastal Program Land Use Plan. The City has consolidated the goals, policies and recommendations from the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program into one plan for La Jolla thereby eliminating duplication of goals and policies and ensuring consistency among plan recommendations. Although the LCP submittal is being treated as an update to the community plan, the plan has also been updated with new information so it is essentially an entirely new LCP Land Use Plan (LUP) for the La Jolla community which addresses several new issues and contains many new policies. As such, the updated LUP results in the rescission of the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program Land Use Plan.

The La Jolla Land Use Plan Update has been developed to address the coastal issues which have been identified by Commission and City staff, along with the citizens and property owners of La Jolla, as well as other interested parties. The La Jolla Land Use Plan covers approximately 4,680 acres that comprise the community of La Jolla. As most of the community is located within the Coastal Zone, the City has included issues and policies related to the requirements of the Coastal Act. The report has been organized to address the following policy groups: Steep Hillside/Open Space and Natural Resource Protection, Public Access/Shoreline Areas/Recreation; Hazards/Shoreline Protection; and, Sensitive Biological Resources/Water Quality.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone, unless modified as addressed in detail below.

C. CHAPTER 3 CONSISTENCY

1. Steep Hillsides/Open Space and Natural Resource Protection.

The Chapter 3 policies most applicable to this planning issue are:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan

prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253.

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Findings for Denial

The certified City of San Diego Local Coastal Program contains twelve land use plan segments and one Implementation Plan which consists of the Land Development Code and Land Development Manual and various Planned District Ordinances. All of the City's land use plan segments contain specific policies related to steep hillside development in response to Sections 30230, 30231, 30240, 30251 and 30253 of the Coastal Act which require that new development shall preserve the scenic and visual quality of coastal areas, be sited and designed to protect environmentally sensitive habitat areas and minimize risk in areas of flood, fire or geologic hazard. The policies for hazard areas, attached in their entirety as Exhibit 3, are contained in the currently certified 1983 La Jolla-La Jolla Shores LCP Addendum and have been developed to specifically address the sensitive hillside and canyon resources within the La Jolla community. In a city the size of San Diego, it is especially important to incorporate into the LCP land use plans specific policies meant to guide and direct development within each community, taking into consideration the specific resource values of that community. The land use plan policies must be utilized as the standard of review for all development in La Jolla, in addition to the implementing ordinances.

In order to establish an understanding of the protection that has historically been afforded the sensitive hillsides within La Jolla and a context for review of an update to the certified LUP, it is necessary to give a brief overview of past Commission involvement in development of LCP policies and implementation measures addressing protection of steep hillsides. In response to the above cited LUP and Coastal Act provisions, the City and Commission established the Hillside Review (HR) Overlay Zone as part of the previously certified City of San Diego LCP Implementation Plan. The purpose of the HR zone was to provide supplementary regulations to

assure that permitted development protects natural topographic features and character, aesthetic qualities, and environmental resources from direct or indirect impacts. Both the certified La Jolla and North City LUPs contain policy language which require new development to preserve steep sloping hillsides in excess of 25% gradient in their natural condition. Historically, only minor encroachments were permitted where an existing parcel was entirely (or almost completely) in steep slopes. In review of the City's LCP, the Commission has been vigilant about protecting both the resource and scenic values found on the steep slopes which would be destroyed, if disturbed, and about protecting downstream wetland areas which could be adversely impacted from erosion resulting from grading on steep hillsides.

Within the previously-certified HR overlay zone, the significant slopes greater than 25% that are sensitive either for habitat value, scenic amenities or potential geologic hazard were mapped on Map C-720, and those hillsides were protected by policies that limited encroachment through a "sliding scale" of discretionary permitted encroachment, depending on the amount of the site containing steep hillsides. For lots with 75% or less steep hillsides, a maximum 10 percent encroachment into steep slope areas would be permitted, and the percentage of encroachment allowed increased with an increase in the amount of steep hillsides on the site, to a maximum 20% encroachment if all or nearly all of the site contains steep hillsides. This encroachment limitation has always been considered by the Commission to be a discretionary allowance and not permitted by right.

The Land Development Code and more specifically the ESL regulations were certified by the Commission and became effective January 2000. With the ESL regulations, the City proposed a new method for addressing development proposals on sensitive hillsides. As proposed by the City, the ESL regulations for steep hillsides and sensitive biological resources would replace use of Map C-720, as the City intended to apply site-specific analysis to each development proposal to determine if steep hillsides or sensitive biological resources were present. The City's position was that property not mapped on C-720 would be regulated in the same manner as those properties shown on the map, and greater protection of sensitive coastal resources would be afforded. The ESL regulations proposed to replace the "sliding scale" approach with a "25% maximum allowable development area" afforded to all premises, and encroachment permitted within steep hillsides, if necessary, to achieve the maximum 25% allowable development area.

In review of the Land Development Code ESL regulations, the Commission did not accept the City's revised approach to steep hillside protection, but approved the LDC with suggested modifications that the Commission found were required to insure that sensitive steep hillsides, i.e., those with habitat value, scenic qualities, or potential geologic hazards, are protected to the extent necessary to carry out the certified LUPs. In its findings, the Commission also emphasized the encroachment into sensitive steep hillsides should not be considered a matter of right, but rather a discretionary encroachment that is allowed only for unusual situations and when it is unavoidable, as stated in the following excerpt from Coastal Commission Revised Findings of Approval of the Land Development Code dated May 14, 1999.

“Therefore, the Commission finds when encroachment into steep hillsides is unavoidable, the allowance of any encroachment is a discretionary action. If a limit for coastal hillside encroachment is set by the use of the “up-to” 25% maximum allowable development area, as in the proposed LDC, this standard is more restrictive than the present “sliding scale” encroachment limit contained in the current certified LCP. This is not true if the encroachment allowance is not applied in a discretionary manner, or for lots with more than 91% of the area in steep hillsides. For lots with 91% or more of the area in steep hillsides, the Commission finds a 20% maximum development area conforms with the certified land use plan policies. However, for such highly constrained properties it was suggested that specific criteria may be developed by the City to determine when an additional 5% encroachment may be permitted to allow an economically viable use.” (page 123)

The suggested modifications to the LDC were intended to insure that encroachment is not permitted solely for the purpose of obtaining the maximum allowable development area but rather only when encroachment is unavoidable, such as when necessary to access the less sensitive, flatter portions of the site. Such criteria has been incorporated into the Steep Hillside Guidelines, which are part of the certified Implementation Plan for the City’s certified LCP. Additionally, there are Hillside Development Guidelines within the 1983 La Jolla La Jolla Shores LCP Addendum which are referenced in the ESL regulations and should be applied in review of all coastal development within the La Jolla community.

Further, the previously-certified Hillside Review (HR) Overlay Zone protected those areas mapped as sensitive, viewshed or geologic hazard on the certified Map C-720. The Map C-720 was the result of a rigorous mapping effort to represent a clear definition of steep hillsides containing environmentally sensitive habitats, significant scenic amenities or potential hazards to development within the City. Although the City proposed to replace Map C-720 with site specific mapping for steep hillsides and sensitive biological resources, in review of the ESL regulations, the Commission found there were several reasons why it is appropriate to utilize the currently certified HR maps (Map C-720 or similar criteria to develop new maps), to identify areas where the additional encroachment limitations should apply, within the Coastal Overlay Zone, in order to adequately carry out the land use plans. The Commission’s Revised Findings of Approval for the Land Development Code dated May 14, 1999 state the following reasons:

“They are: 1) The currently certified HR ordinance affords protection through the sliding scale encroachment limitations to hillside areas visible from I-5 and/or major inland canyon systems, regardless of habitat value; 2) There is a third criteria for protection that relates to the geologic stability of the area, regardless of visibility or habitat; 3) Examples of areas mapped as visible but not possessing sensitive vegetation include hillsides on the north and south sides of Los Penasquitos Canyon, Lopez Canyon and Carmel Valley, and hillsides visible from the freeway at Genesee and Interstate 5 and in the Sorrento Valley area. Some of these hillsides also have areas of geologic instability. The areas were identified as sensitive and worthy of

protection as part of the site specific mapping done prior to certification of the HR overlay provisions and Map C-720, as adequate to carry out the certified land use plans.

In summary, the Commission finds the certified land use plan policies establish encroachment limits on steep, naturally-vegetated hillsides through a “sliding scale” approach applicable within the Coastal Overlay Zone. The Commission has considered these encroachment limits to be discretionary, not permitted by right; and that development of the steep hillsides containing sensitive biological resources or mapped as viewshed or geologic hazard on Map C-720 should be avoided to the maximum extent possible. With the proposed suggested modifications, the steep hillside regulations are adequate to carry out the provision of the certified land use plans and Chapter 3 policies of the Coastal Act. The corresponding changes must also be made to the Open Space Zones Section 131.0250 and the Steep Hillside Guidelines. Other modifications address brush management and assure that a minimum 30 ft. setback is required from steep hillsides containing sensitive biological resources for new development and subdivisions.” (page 124)

Therefore, in its review of the LDC, the Commission found that, as submitted by the City, the regulations for steep hillsides would cumulatively allow a greater amount of encroachment onto naturally vegetated hillsides than was intended by the above mentioned LUP policies. The Commission found that through the ESL regulations for steep hillsides as proposed by the City, the LUP policy language which has historically been applied to the slopes mapped as sensitive in the then currently certified LCP would not be implemented. To reach certification of the current Municipal Code and HR overlay provisions as adequate to carry out the land use plans, a rigorous mapping effort was completed to refine the steep slope encroachment concerns faced by the City and Commission. It was agreed that the mapping would represent a clear definition of the affected hillside and slopes within the coastal zone and their sensitivities. The certified map is referred to as the Coastal Zone Sensitive Slopes Map Drawing No. C-720 and includes steep hillsides containing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development.

An additional concern addressed at the time the HR provisions were certified was the potential for modifying a site's classification from sensitive to non-sensitive, because less stringent protective measures are afforded non-sensitive slopes in the LUP policies. The HR ordinance required a detailed slope analysis and biological survey as part of its application requirements and would not allow a change in a slope's classification without further review by the Commission. The previously-approved mapping of sensitive steep hillsides was field-checked and reviewed by staff. It was anticipated by the Commission that steep hillsides containing sensitive biological resources or mapped as viewshed or geologic on Map C-720 would continue to be regulated and protected through application of the ESL regulations. The Commission based its action on the assumption that, since the HR overlay included slopes of 25 percent grade and greater, that the majority of

the steep hillsides shown on Map C-720 would meet the definition of steep hillsides in the LDC. Additionally, specific references to Map C-720 remain in the steep hillside regulations contained within the certified Land Development Code. Those areas on Map C-720 not meeting the definition of steep hillsides would be regulated by the sensitive biological resource regulations, if habitat is present, and the open space policies and zoning in the LCP, if applicable.

In the submitted update to the La Jolla LCP land use plan, the City has included policies and recommendations addressing development on steep hillsides. The policies are minimal and reference application of the ESL regulations to all new development on property in La Jolla having slopes with a natural gradient of 25 percent or greater and a minimum differential of 50 feet, i.e. the definition of steep hillsides in the LDC. A steep hillside policy also states that the City should not issue a development permit for a project located on steep natural slopes in La Jolla, unless all the recommendations and conditions of this plan are met.

The submitted LUP recommendations addressing steep hillsides include much of the same language of the (Hillside Development Guidelines) contained in the currently certified LUP. These guidelines as they exist in the current LUP are attached as Exhibit 3. The Hillside Development Guidelines are also specifically referenced as applicable to steep hillside development within La Jolla in the ESL regulations. However, the submitted LUP update includes some changes to the Guidelines that are problematic for several reasons.

First, the City has included a reference to the ESL regulations and Steep Hillside Guidelines as if they replace the specific LUP policy language as the standard of review. The Commission finds these guidelines should stand on their own because the LUP is the basis for any current or subsequent regulations intended to implement the LUP policies. Second, the City has removed the encroachment limitation standards which, in the current LUP, include percentages of allowable encroachment pursuant to a “sliding scale”. Instead of replacing those limitations with the “maximum allowable development area” criteria which the Commission accepted as an alternative to the “sliding scale”, the City has eliminated these limitations as a standard applicable through the LUP. Without these specific provisions in the LUP, the standard of review for any subsequent City proposals to amend the LDC would be unclear.

Third, the previously-certified LUP Hillside Development guidelines make clear that steep hillsides are protected in the La Jolla community as natural landforms for their open space value and that disturbed hillsides should be restored, when feasible. Finally, there is a reference to trimming of vegetation for fire protection purposes that suggests all such brush clearance is exempt from the encroachment limitations contained in the plan. This is not consistent with past Commission actions that clearly indicates Zone 1 brush management to 30 feet is considered encroachment, as it often involves clearcut and removal of all

habitat value, and Zone 2 brush management may also be considered encroachment if all habitat value is removed.

With regard to the open space preservation and natural resource protection policies in the submitted LUP, the clear intent is to protect sensitive resources, such as coastal sage scrub and mixed chaparral, located in designated, as well as dedicated, open space areas and open space easements. Additionally, the policies ensure the preservation of portions of private property that are partially or wholly designated as open space to the extent feasible, and that all City-owned land designated as open space should be considered for dedication. The designated open space referred to in the LUP policies are shown on Figure 7 included in the LUP and attached as Exhibit 4.

The LUP recommendations addressing open space preservation and natural resource protection require preservation of sensitive resource areas to the maximum extent possible by allowing limited development in such areas. The City's submittal targets the designated open space shown on Figure 7 and indicates that such open space area on private property should be rezoned to an Open Space-Residential (OR) zone so that such open space can be preserved while allowing limited development of the property. The plan recommendations also call for application of the Open Space-Conservation (OC) zone to those areas intended for permanent conservation, most likely City-owned, dedicated open space.

This approach to rezone the portions of private property designated as open space to an open space zone is consistent with the currently certified LUP policies which call for the R-1-40 zoning within community plan areas designated as open space. There is also a current LUP policy that calls for rezoning to R-1-40 (1 dua) in all undeveloped areas greater than 25 percent slope provided such rezoning would not require consolidation of any existing subdivided lots which are in conformance with the existing zone and community plan. R-1-40 was an open space holding zone in the previously-certified municipal code.

The current certified LUP also indicates that undeveloped slopes exceeding 25 percent gradient shall be preserved through permanent natural open space easements, to mitigate potential erosion and geologic problems, to protect native vegetation, and to preserve the areas scenic and visual amenities all of which are associated with steep slopes in excess of 25% gradient. The implementation ordinance originally approved to implement these policies was the HR ordinance. The HR overlay zone identified on Map C-720 indicated the slopes of 25 percent grade and greater that were to be protected as open space. As previously stated, the ESL regulations have replaced the HR ordinance. Additionally, the OR zones in the LDC are designed to limit residential development on property designated as open space and the zones establish a

maximum 25% development area similar to the steep slope encroachment limits in the steep slope regulations of the ESL which also reference Map C-720.

It is important that the open space policies of the new La Jolla LUP protect the same areas as open space as the currently certified LUP. Therefore, it is necessary to assure that all slopes identified in Map C-720 are included within the designated open space in the LUP update. The City has indicated this is the intent of the LUP recommendations and the action plan item that calls for application of the OR zone to portions of private property designated as open space on Figure 7. City staff has indicated they believe all the slopes shown as sensitive slopes, viewshed or geologic on Map C-720 are included within the designated open space shown on Figure 7. However, there is no connection in the submitted LUP update between the designated open space and the sensitive hillsides shown on Map C-720.

The Commission finds that, prior to such rezonings to the OR zone actually occurring, it is premature to discontinue use of Map C-720 as the mechanism to identify slopes in the LUP that should be protected pursuant to Chapter 3 policies. Therefore, revisions are necessary to the plan policies and recommendations to clarify the connection between the hillsides shown on Map C-720, the encroachment limitation standards contained in the OR zone, and the open space protections proposed with the LUP update. Without such revisions, there is no assurance the slope areas on Map C-720 will continue to be protected for their open space value prior to the rezonings identified in the City's LUP Action Plan actually occurring. The Action Plan provides that rezoning to an OR zone should occur within five years of adoption of the LUP.

Because the LUP amendment as submitted does not adequately safeguard steep hillsides that contain environmentally sensitive habitat areas, that are significant scenic resources, or that are subject to erosion or geologic hazards, it is not in conformity with the requirements of Sections 30230, 30231, 30240, 30251 and 30253 of the Coastal Act.

Findings for Approval, If Modified

As stated in the findings for denial above, through this submittal of the update to the certified La Jolla LUP, the City is establishing the framework to rezone all areas in the La Jolla community designated as open space on Figure 7 to an open space residential (OR) zone. City staff has indicated the open space on Figure 7 is meant to include the slopes of 25% grade and greater shown in the currently certified LUP and formalized through the previously-certified Hillside Review overlay zone on Map C-720. Such an approach would be consistent with the Hillside Development Guidelines for development on steep slopes in La Jolla contained in the currently certified LUP which would be replaced by this document. However, the LUP as submitted contains only two references to the future open space rezoning and does not make a clear connection between the open space shown on Figure 7 and the slopes shown as sensitive slopes, viewshed or geologic hazard

on Map C-720. These steep hillsides are protected for their habitat value, their significant scenic amenities, the potential hazards to development and their open space value consistent with Sections 32031, 30240, 30252 and 30253 of the Coastal Act.

The Commission finds revisions are necessary to the policies and recommendations addressing open space and natural resource protection to assure these hillsides are adequately protected by the certified LUP and implementation plan prior to the open space rezonings actually occurring. Suggested Modification #3 would add language to the LUP to clarify the role of the open space designations and zoning to protect the hillsides and canyons for their park, recreation, scenic and open space values. Additionally, the policy referencing Figure 7 as designated open space must be clear that Figure 7 includes, but is not limited to, all lands designated as sensitive slopes, viewshed or geologic hazard on Map C-720. Although the City has indicated this is the intent, due to the scale of Figure 7, it is not possible to confirm all areas of Map C-720 are included on Figure 7 as contained in the plan. Such site specific mapping will be done as part of the necessary rezonings to the OR zone.

Additionally, in order to assure protection of these areas as open space, suggested modification #7 also adds policy language to clarify that maximum developable area and encroachment limitations are established in the LCP to concentrate development in existing developed areas and outside designated open space. The suggested changes to the LUP policy, added action plan items (Suggested Modifications #19 and 20) and the associated plan recommendation (Suggested Modification #21 and 22) would require the encroachment limitation standards taken from the OR-1-1 and OR-1-2 zones to be implemented for development on those portions of property designated as open space on Figure 7, prior to rezoning the property to the OR zones. The encroachment limitation standards would be implemented through application of a new Appendix L, which contains the maximum developable area limitations taken from the certified OR zones. This requirement is consistent with the Hillside Development Guidelines contained in the currently certified LUP which protect the hillsides shown on Map C-720 for their open space value. These same hillsides would also be regulated by the ESL regulations of the Land Development Code.

The Commission finds modifications to the LUP policies and recommendations addressing steep hillsides are necessary to clarify the long-standing intent of the past-certified HR overlay zone and currently-certified LDC to protect steep hillsides shown on Map C-720 for their habitat, scenic and open space value and to assure stability for development in areas of geologic instability consistent with Sections 30231, 30240, 30251 and 30253 of the Coastal Act. The suggested modifications #14 and 45 would clarify that development on steep hillsides should avoid encroachment into such hillsides to the maximum extent possible, and, if encroachment is unavoidable, it shall be minimized in accordance with the encroachment limitation standards contained in the plan. Additionally, the plan policy should emphasize the intent to revegetate and restore disturbed portions of steep hillsides to the extent possible. There are many natural steep hillsides shown on Map C-720 that have been disturbed by adjacent development or invasive species. Such disturbance does not mean these hillsides are no longer

considered natural landforms and capable of revegetation and restoration pursuant to the LUP policies protecting steep hillsides and the steep hillside regulations of the LDC. In addition, these hillsides are protected through the open space designations in the LUP.

Finally, the Commission finds modifications #42-46 are necessary to the Hillside Development Guidelines contained as recommendations in the submitted LUP update to eliminate references to the ESL regulations and Steep Hillside Guidelines as the standard of review. The LUP recommendations should stand on their own as policy guidance to assure that development is sited and designed to respect the existing natural landform and hillside character of the site. Locations that are visible from natural open space systems, park lands, major coastal access routes and the seashore should be given special consideration.

Additionally, the Commission finds the discretionary encroachment limitations which have been established to limit development on steep hillsides should be included in the LUP as a standard of review independent of the ESL regulations in the LDC. Suggested modification #45 would add the encroachment limitation standards for hillside development to the Hillside Development Guidelines of the LUP in the same manner that such encroachment limits are included in the currently certified LUP. In this way, there will be no confusion as to the standard of review for any subsequent changes to the Land Development Code. Suggested modification #59 clarifies that steep hillsides should be preserved in their natural state and encroachments minimized to preserve their open space value. Finally, the language addressing brush management is modified to correct an incorrect statement that all vegetation clearance for fire protection would be exempt from the encroachment limits. Zone 1 which involves clear cut removal of vegetation is considered encroachment as all habitat value is removed. Zone 2 may also be considered encroachment depending on how much habitat value is maintained. With the suggested modifications, the Commission finds the submitted update to the La Jolla LUP is consistent with Sections 30230, 30240, 30251 and 30253 of the Coastal Act.

2. Public Access/Shoreline Areas/Recreation. The Chapter 3 policies most applicable to this planning area are as follows, and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

[...]

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....[Emphasis added]

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or

commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30250

[...]

- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Findings for Denial

The Land Use Plan addresses the many forms of public access to the shoreline, public parks and other recreational areas, pedestrian and bicycle paths and access points, automobile circulation and parking facilities, and alternative modes of transportation. In addition, the LUP addresses public recreational opportunities within the City as well as the provision of visitor-serving commercial facilities.

Specifically, LUP policies discuss the need to provide an adequate circulation system to serve residents, visitors and employees to La Jolla's downtown commercial, recreational (beach) areas and community facilities by promoting alternative transportation systems, improving the availability of public parking in areas closest to the beach by use of peripheral parking centers, improved transit, or other means. Several policies in the LUP address bicycle access throughout the City and propose maintenance and expansion of existing trails as well as the provision of additional bike racks on buses. The La Jolla LUP also contains policy language related to a connected system of shoreline walkways extending from the community's northern beach areas to the southern beach areas; implementation of a sign program to identify existing public access points; maintenance of existing recreational parking areas, public stairways and pathways to preserve vertical and lateral shoreline access; identification and preservation of pedestrian access trails and vista points within the community; and protection of prescriptive rights to access.

In addition, related to visitor-serving uses and recreation, the LUP contains policies which address the maintenance of balanced land use patterns which include adequate levels of commercial retail uses; residential development and cultural opportunities within the existing commercial areas; revitalization of commercial retail areas; and promotion of pedestrian-oriented features. Additionally, the LUP contains policies related to coastal recreation areas, the maintenance of park facilities, vista points, and the intensity of use of various beaches throughout the community.

As cited above, the Coastal Act has numerous policies related to the provision and protection of public access and recreation opportunities. For the most part, the LUP goals and policies related to coastal access and recreation are consistent with Chapter 3 policies of the Coastal Act. The LUP contains several policies that call for promoting the use of public transit and/or shuttle serve as an alternative form of transportation within the community, as well as bicycle and pedestrian routes throughout the City. In addition, the City has extensively identified existing and public beach access points with descriptions of the nature and character of the accessways, recommendations for improvements to shoreline areas and levels of use of existing public beaches and facilities at such beaches/access points. Overall, the City has done an admirable job of not only incorporating nearly all of the previously existing policies in the presently-certified LUP regarding protection of visual resources and public view points, but has expanded the identified areas to also include upland vista points such as from Mount Soledad, etc. However, some policies are ambiguous or not consistent with Chapter 3 policies.

The first group of policies addresses protection of public views to and along the ocean. Specifically, several policies address protection of public views to the ocean from public vantage points, public roadways, as well as preserving the scenic quality of coastal areas such as preserving and protecting coastal bluffs, beaches and shoreline areas. However, the policy statements contain the words, "Public views *should* be preserved..." rather than the "...public views *shall* be preserved". Since these policies mirror Sections 30210, 30211, 30212 and 30251 of the Coastal Act, it is important that the words "shall" be used instead of "should". "Should" implies that the requirement is elective, as in "one *should* provide the view, *if one can*". Thus, the use of the word "should" is weak and does not

assure protection of public access and visual access, to and along, the shoreline consistent with Coastal Act policies.

Another concern is with regard to the phrasing of some of the policy language. In a couple of policies, the statements are made "...Do not obstruct public views to Mount Soledad and to the ocean..." or "protect public views to the shoreline". However, it is important to note that pursuant to the Coastal Act, it is not only the views to the ocean that must be protected but the views along the shoreline as well. Therefore, without clarification, only those views to the ocean would be emphasized and the policy statement is, thus, deficient.

Related to public view protection, an omission was made from one of the policy statements that refers to regulation of the building envelope to preserve views which includes a number of measures such as height, setback and fence transparency regulations. However, no reference to implementation of landscape requirements was made. Similarly, another policy addresses the maintenance of landscaping on City-owned land and easements, etc. to preserve, enhance or restore identified public physical and/or visual access to the ocean. However, in several public rights-of-way, landscaping has grown too tall and impedes public views toward the ocean. An on-going community concern is that landscaping in public rights-of-way adjacent to the shoreline (such as Mira Monte Place, among others) have grown tall and obstructs public views to the ocean from the first public roadway (e.g., Camino de la Costa where it abuts Mira Monte Place). However, the policy does not address removal or relocation of landscaping, in addition to also maintenance (i.e., trimming, etc.) of existing landscaping. As such, the policy language should also address the removal of landscaping on City-owned land, if necessary to restore, enhance and preserve public views to the ocean.

Another concern is with regard to approval of variances for yard setbacks for development located within the viewshed of any of the public vantage points identified in Figure 9 and Appendix G of the LUP, which includes, but is not limited to, development on a designated public view corridor, within the viewshed of a scenic overlook or between the ocean and the first coastal roadway. There are many policies which address the protection of public views identified in the plan. The purpose of protecting these views and keeping the yard areas free of obstructions (i.e. solid fences and landscaping) is to minimize a "walled off" effect and create a "window to the sea" wherever possible. In addition, in the review of post-certified development in the La Jolla area, the Commission staff has noted that some coastal development permits approved by the City involved the construction of residential development on a street identified as a view corridor in the certified LCP. In these cases, variances were granted for frontyard and sideyard setbacks inconsistent with the policies of the certified LCP which provide that development on identified public view corridors be set back or terraced in order to maximize and preserve existing public views to the ocean and in scenic coastal areas.

Since this issue has been a problem, it is important that a policy statement be made to assure that any potential variances for building setbacks are reviewed specifically for their potential effect on scenic view corridors, public viewsheds and/or public views to

and along the ocean. Absent specific language addressing public view preservation and potential variances that may affect such views, this policy statement is inadequate to meet the requirements of Section 30251.

On a related point, in another recent post-certified development which was raised on appeal to the Coastal Commission, the City determined that the project site which was located on a corner lot as well as a designated public view corridor (Midway Street), did not have a true “side yard” which was required to be protected. In this particular instance, the east and west sides of the residence were the “true side yards” due to its orientation. In other words, because the subject site was a corner lot, it had more frontage along the north/south running right-of-way (Calumet Avenue) than the east/west running right-of-way (Midway Street). As such, the so-called “side yards” were actually on the west and east sides of the residence which are areas that would not provide views to the ocean. Instead, it is the north and south areas of the site that are the actual “side yards” that provide the potential views to the ocean. The City’s analysis determined that the rear setback on the south side of the house (opposite and most distant from the Midway Street frontage) provided an opportunity for a view corridor from Calumet Avenue. However, because the language of the City’s Land Development Code refers only to “side” yards requiring that a visual corridor of not less than the side yard or more than 10 feet be provided, the City did not require a deed restriction or view corridor. However, the Commission finds this policy is meant to protect views to the ocean, not the *side* yards by definition. Whichever yard setback area provides the view to the ocean is the area that should be protected for purposes of maintaining and/or enhancing the public views toward the ocean. Absent policy language in the LUP that references protection of views in “yards and setbacks” (as opposed to “side yards” only), these policy statements cannot be found consistent with Chapter 3 policies of the Coastal Act addressing protection of visual access.

Another policy which is directed at protecting public views toward the ocean states that “as viewed from identified scenic overlooks, minimize the impact of rooflines and landscaping on the viewshed over the property”. However, the policy is deficient because it does not also address regulation of bulk and scale of structures, as well. In a project raised on appeal (A-6-LJS-96-162/Hicks) for a property located on a designated public view corridor, the Commission required that the bulk and scale of the proposed new residence be reduced to preserve existing views to the ocean along the public view corridor as well as from the scenic roadway. Therefore, the LUP policy needs further strengthening to clarify this requirement and assure consistency with Section 30251 of the Act.

Another concern is with regard to the omission of important plan recommendations. In preparing the new Land Use Plan (LUP) for La Jolla, the City consolidated the plan area recommendations that were similar for each subarea into general recommendations as a group rather than including a list of specific recommendations for each subarea (for physical access or visual access points) as presently exists in the LUP. In so doing, the specificity for three different access points were not carried through to the new plan document. Some community representatives felt strongly about three areas in particular:

Forward Street, Midway Street and Calumet Park. The existing community plan contains very specific language about recommendations for improvements at these physical and visual access locations. Absent inclusion of these recommendations in the new plan document, the community goals to improve these areas for public and recreational use and the requirements of Sections 30210, 30211, 30211, 30212 and 30251 will not be met.

A second group of concerns with this policy group is with regard to shoreline areas and coastal bluffs including policies addressing shoreline protection devices. A policy states that development should be set back sufficiently from the bluff edge so that impacts to geology and visual quality do not occur. However, this policy statement is insufficient because the purpose of an adequate setback from the bluff edge is not just limited to geologic or visual purposes. Adequate setbacks from the bluff edge are important in order to avoid the need for the construction of a shoreline protection device as well as to minimize or avoid impacts to public access along the shoreline. That is, sufficient setbacks from the bluff edge will avoid the need for construction of seawalls that could impede public access along the shoreline. Proper siting of development on coastal bluffs will also avoid the need for other types of protective devices such as upper bluff retaining structures, etc. Such structures could adversely affect the scenic quality of coastal areas, inconsistent with Chapter 3 policies of the Coastal Act. Therefore, without a reference to avoiding the need for shoreline protective devices and that development be set back to avoid impacts on public access, this policy does not adequately address the requirements of Section 30253 and the public access policies of the Coastal Act.

There are also a number of policies addressing the maintenance of existing public shoreline and recreation areas. These include, for example, maintenance of the natural scenic character of existing coastal access trails, maintenance of existing steps and paved access ramps to the beach and shoreline parks, etc. However, a community concern is that maintenance *only* of these shoreline access areas is insufficient. The City should also be striving to enhance and restore these areas, as well. Absent language to this effect, public access will not be restored and enhanced pursuant to the public access and recreation policies of the Coastal Act.

On a related point concerning protection of physical access to the shoreline, a policy in the LUP states that the City should implement a comprehensive sign program along Prospect Street which is in the village area of La Jolla for purposes of identifying existing public access points and enhancing public safety along the coastal bluffs. However, there are other important major coastal access routes in the community of La Jolla where such signage should be included, as well, such as N. Torrey Pines Road, La Jolla Boulevard (in the Bird Rock area of La Jolla) as well as La Jolla Shores Drive which is near La Jolla Shores, an extremely popular recreational and visitor destination point for all of San Diego. Absent an expansion of this policy statement to include these other major coastal access routes where signage could also be installed, and to address implementation of such a sign program, the plan group is inconsistent with Chapter 3 policies designed to maximize public access opportunities.

Another policy which addresses the provision of public lateral access for new development on properties between the shoreline and first public roadway, through dedication as a public easement, also requires modification. Specifically, the language requires that lateral access along the beach be offered for dedication as a public easement. A minor revision is necessary because not all areas of the shoreline consist of a beach--some shorelines are rocky or have cobblestones, etc. Therefore, a correct reference to "shoreline" should be made.

A final concern is with regard to parking. As proposed, the new LUP does not contain any specific parking standards. However, there is a concern that parking in the most critical nearshore areas (known as the Beach Impact Area), not be reduced. Therefore, absent any specific reference to either a minimum parking standard or that parking requirements in the BIA will be maintained, this policy is inadequate to meet the requirements of Section 30252 of the Act.

The City has incorporated a number of important policies to assure adequate on-street parking is provided to protect public access opportunities for beach visitors. In particular, a Plan Recommendation calls for the City to pursue programs with UCSD to reduce the impacts of on-street parking by students and staff in the residential areas of the community near the University. The City includes in the policy language that such measures not include red-curbing or elimination of parking for beach visitors. This is an important issue because, for example, in the La Jolla Farms area, street parking is used heavily by USCD students, beach visitors and residents of the area. It is important to note that CDP #A-6-LJS-89-166 was the subject of a Commission appeal regarding the City's proposal to implement parking restrictions including red-curbing and signage along portions of La Jolla Farms Road and Black Gold Road due to its potential adverse impacts on parking for beach access. The Commission ultimately limited the parking restrictions to a four hour maximum on weekdays only, including red-curbing on the west side of La Jolla Farms Road and east side of Black Gold Road. In light of the fact that these areas are already red-curbed pursuant to this CDP, any potential to further reduce or eliminate parking at these areas would adversely affect public access opportunities, and cannot be supported.

Therefore, the City's policy in the LUP update makes it clear that no further red-curbing in this area should be permitted. Similarly, it has been noted that there are several unimproved foot-trails and beach access paths in the southern part of the community which are identified in the subarea maps of the LUP. However, many of the public rights-of-way adjacent to the trail heads of these paths have been painted red which limits street parking to serve the trails and access. Such an activity is a change in intensity of use requiring a coastal development permit. Absent a policy specifically addressing red-curbing within areas serving public access opportunities and removal of unauthorized red-curbing, impacts to public access could result along the residential streets in the nearshore areas.

Therefore, in summary, as submitted, the proposed LUP is inconsistent with the public access and recreation policies of the Coastal Act, and cannot be certified as submitted.

Findings for Approval, If Modified

There are a number of policies pertaining to protection of public access and protection of public views to, and along the ocean in the submitted Land Use Plan Update which paraphrase the sections of the Coastal Act or cite its language verbatim. In a number of those policy statements, the word “should” is used instead of the word “shall”. However, the Coastal Act is very specific in its requirements for protection of both public access to and along the shoreline as well as protection of public views to and along the shoreline. Without the use of the word “shall” the language is not strong enough and it implies that such measures are not mandatory in new development. Whenever new development occurs near the shoreline, all development must be reviewed for its potential to improve public access and visual access to the shoreline. The Coastal Act policies addressing the protection of public access and public views toward the ocean is mandatory, not elective. For this reason, the words “shall” are inserted in the place of “should” in suggested modification #s 8, 9, 10 & 18 in order to carry out the requirements of Sections 30210, 30211, 30212 and 30251.

Continuing with suggested modifications pertaining to the protection of public views, a modification is made to a number of policies contained in the plan that refer to the protection of public views to Mount Soledad and to the ocean, etc. However, Section 30251 requires protection of public views to and *along* the ocean. Therefore, in suggested modification #s 23, 24 & 26, the language is revised to also include the words “and along” such that views to and along the ocean, shoreline, etc. will be protected. With the inclusion of this language, it can be assured that public views will be protected to the maximum extent possible, consistent with Section 30251 of the Coastal Act.

Suggested modification #25 requires that a change be made to a policy that addresses the regulation of the building envelope to preserve public views through height, setback and fence transparency regulations. The change would also include landscaping requirements as a measure to assure that such views are protected. A similar plan recommendation addresses maintaining landscaping on City-owned land, easements and public right-of-ways so that identified public physical and or visual access to the ocean is preserved, enhanced or restored. However, the policy does not address those situations where landscaping might need to be removed, modified or relocated in order to restore such views or access. The policy needs to be strengthened to also require that any landscaping that obstructs views be removed, modified or relocated, if necessary, to enhance or restore a public view within the right-of-way.

An additional recommendation under visual resources addresses minimizing the impact of rooflines and landscaping on the viewsheds over properties as viewed from identified scenic overlooks. However, the policy did not go far enough to also address the bulk and scale of structures which is also a design regulation that can be used to minimize impacts on public views. It is important to regulate the bulk and scale of such structures because when such structures are located either on a designated public view corridor or in the viewshed of a scenic overlook, such structures may encroach into the view corridor and

obstruct views to the ocean. Therefore suggested modification #53 is made to this recommendation to include the words “bulk and scale”, as a design regulation.

The next set of modifications (suggested modification #s 26) pertains to protecting public view corridors including those views that exist in the side yard setback areas. Plan policies specify that variances for reduced sideyard and front yard setbacks shall be vigorously reviewed when development occurs adjacent to identified view corridors. Although this was language suggested by Commission staff in the 1995 plan draft, the issue of protecting public views in the side yards has been an increasing concern in the review of post-certification development in recent years. As noted earlier, numerous projects have been reviewed through post-certification process where variances were granted for reduced setbacks.

Allowing structures to have a reduced setback often results in encroachment into a designated public view corridor or viewshed inconsistent with Coastal Act policies. For this reason, the language is strengthened to indicate criteria that should be considered in review of any potential requests for variances associated with development along a public view corridor, within a scenic viewshed and/or between the ocean and the first coastal roadway. Any potential variances for reduced setbacks for development within the viewshed of the important public vantage points shown on Figure 9 and in Appendix G shall only be permitted if there is no reduction in the public view provided to and along the ocean. With the inclusion of this language, it can be assured that development located in scenic coastal areas will be sited appropriately to preserve public views to and along the ocean, consistent with Coastal Act mandates.

A related plan recommendation contains an important community goal which states that new development proposed on property between the shoreline and first public roadway shall preserve, enhance or restore existing or potential public views corridors within the sideyard setbacks. The purpose of this policy is that cumulatively, over time, public views to the ocean will be restored thus eliminating the walled off effect that presently exists in some of the nearshore areas (i.e., along Camino de la Costa, El Paseo Grande and other first public roadways, etc.). This plan recommendation is a good one; however, the language has created a loophole in the review of post-certification development.

As noted in the previous findings for denial, in a recent project reviewed under post certification, the City did not require that one of the “side yards” of a new development located on a designated public view corridor be regulated to assure that landscaping and fencing did not obstruct views to the ocean. The reason was that the yard was not a “side” yard but was actually a “rear” yard and so the City determined the regulations of the Land Development Code which address protection of public views were not applicable. However, the Commission’s intent in originally crafting these implementation regulations with the City has to address public view protection within any yard area of a property that provides the view to the ocean, regardless whether it is a “side” or “rear” or “front” yard. For this reason, suggested modification #27 changes the reference “side” yard setbacks to now read “yards and setback areas”. As such, it can be assured that public views to the ocean will be adequately protected through review of

new development proposals located on properties that are on designated public view corridors, and /or between the ocean and the first coastal roadway.

The next modification pertains to a group of recommendations which were omitted from the new land use plan. Although the City did a good job of incorporating and consolidating a number of plan recommendations for different shoreline areas in the community, there were three specific areas which the community felt should contain separate recommendations such as they exist in the currently certified LCP. Specifically, the policies address Forward Street, Midway Street and Calumet Park. Although the existing plan language states that additional park furnishings such as guard rails, benches, trash receptacles etc. and signage shall be installed at the street-ends of these access points, as verified in the field by City staff, some of these park furnishing presently exist. Therefore, the language has been modified through suggested modification #s 29-32 to state “maintain” (as opposed to “provide”) such furnishings. In addition, the existing policies in the certified LCP also state that access down to the bluffs should be discouraged due to hazards. But in both cases, for Forward and Midway Streets, policy recommendations state that these areas should be reserved for a future stairway if future needs warrant it and if the geologic hazards can be mitigated. This is an important community goal which must be retained. As such, public access opportunities will be protected for the future needs of the community and the public at large, through implementation of these changes.

The next set of suggested modifications pertain to shoreline areas and coastal bluffs. Although the plan contains language pertaining to blufftop setbacks with the goals of avoiding impacts to geology and visual quality of coastal areas, the language does not address one of the most significant reasons for geologic setbacks which is to avoid the need for shoreline protective devices or upper bluff retaining structures and their associated impacts to visual quality and shoreline access. The policy also does not address when a lesser than 40 ft. setback is permitted or when the removal of obsolete or unnecessary protective devices is required.

Therefore, language has been added through suggested modification #37 which states that setbacks may be reduced to not less than 25 feet if evidence is provided indicating the site is stable enough to support the development in the proposed location without requiring construction of shoreline protective measures throughout the economic lifespan of the structure. Language has also been added to make clear that applicants must be required to accept a deed restriction to waive all rights to protective devices associated with new development on coastal bluffs. Lastly, the policy language has been modified to include language which states that obsolete or unnecessary protective devices be removed, when feasible, and in a safe manner. Through the removal of such structures, over time, the alteration of natural land forms will be minimized, visual quality in visually degraded areas (i.e., armored shorelines) will be enhanced and the stability and structural integrity of coastal bluffs will be assured such that the construction of protective devices will not be required that could alter natural landforms, consistent with Sections 30251 and 30253 of the Coastal Act.

The next modifications (#10, 18, 29-32) pertain to a number of policies in the plan which state that the City shall make improvements to public parks, shoreline areas and parking areas. However, community representatives have suggested that these resource-based parks not only be maintained, but that they also be enhanced and restored. However, as noted in the previous findings, the City's ability to make such improvements is largely dependent on the availability of funding. As such, they cannot commit to such improvements until funding is available. For this reason, the suggested modifications clarify that such areas shall be maintained, and where feasible, enhanced and restored.

The City's policy to institute a comprehensive sign program along major coastal access routes identifying existing public access points did not include all of the major coastal access routes in the community of La Jolla where such signage could be installed. Therefore, through suggested modification #17 the plan is being modified to include those streets such as North Torrey Pines Road, La Jolla Boulevard and La Jolla Shores Drive, in addition to Prospect Street. Language is also added to clarify that such a program will be implemented through either the City's Capital Improvement Program or through the review process for private development. In so doing, it will allow more flexibility for either the City or private developers to make such improvements without relying solely on public funds. With the inclusion of all of these coastal access routes, as well as clarification as to how such signage could be achieved, it can be assured that public access opportunities will be enhanced and public safety maintained along coastal bluffs, through the installation of this important identification signage, consistent with Section 30210 of the Coastal Act

An additional modification (#34) is made to a policy addressing provision of public lateral access in the form of an offer for dedication of an easement for properties between the first public roadway and the ocean. A change in the wording from requiring lateral access along the "beach" to "shoreline" is made because not all shoreline areas consist of sandy beaches. A great part of the La Jolla's shoreline actually consists of either a rocky, cobblestone or shingle shoreline--whereas "beach" is more typically associated with "sand".

The final set of modifications (#s 48-49) pertains to parking. The existing certified La Jolla LUP contains specific requirements for parking. However, some of these requirements have changed over the years. The existing parking standards are contained in the City's Land Development Code but have been removed from the LUP. There is a specific concern that parking not be reduced in the nearshore areas (3-4 blocks from the beach) also known as the Beach Impact Area. The BIA contains more stringent parking standards for residential development. It also contains stricter requirements including prohibition of curb cuts where alley access exists. Therefore, in order to ensure that parking standards are not reduced in the BIA, the language is modified to state that all proposed development maintain and enhance public access to the coast by providing adequate parking per the coastal parking regulations of the Land Development Code. The modified language also specifically states that required parking include higher parking ratios for multi-dwelling units in the BIA. It is very important that this language be included in the land use plan, as modified and included herein, to assure that parking

for beach visitors continues to be provided and protected, consistent with Section 30252 of the Coastal Act which requires adequate parking to maintain and enhance access to the coast, unless there is a substitute means of serving the development with public transportation.

Lastly, a new plan recommendation is added to address red-curbing on the first street adjacent to the ocean. As discussed in the findings for denial above, there are numerous unimproved foot trails that lead to the beach in both the southern and northern parts of La Jolla. In many cases, the curbs next to these trailheads have been painted red. In order to assure that all red-curbing has been permitted, a policy statement is added stating that all red-curbing on the first street adjacent to the ocean should be reviewed for appropriateness in order to assure that on-street parking is protected for beach visitors and unauthorized red-curbing should be removed.

With these suggested modifications, the Commission finds the Shoreline Access/Parking/Recreation policy groups consistent with Section 30252 and all other access and recreation policies of the Coastal Act.

3. Hazards/Shoreline Protection. The Chapter 3 policies most applicable to the planning area are as follows, and state, in part:

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Findings for Denial

The La Jolla community, while largely suburban in character, contains a number of hazardous conditions that include coastal bluffs, shoreline storm damage, uncontrolled runoff and erosion. The goals and policies in the LUP related to hazards focus on reducing the risk associated with such hazards through development controls and regulations that are effective in reducing the damaging effects of natural and man-made hazards.

In order to address these concerns, the LUP contains numerous policies which address development on coastal blufftop lots including provisions regarding restrictions pertaining to shoreline protection devices, and reducing other hazards in such areas by inclusion of landscaping and drainage improvements as erosion control measures. In addition, the LUP contains policies which reference the City's Environmentally Sensitive Lands (ESL) regulations which contain specific development standards for coastal bluffs and shoreline/beach areas. Comprehensively, the ESL regulations govern development along beaches, coastal bluffs, and wetland areas.

The entire coastline of La Jolla from La Jolla Farms to Tourmaline Surfing Park is considered a sensitive coastal resource. Hazards exist due to the topography of the areas of Bird Rock, La Jolla Hermosa and La Jolla Farms which include steep slopes, cliff erosion and sensitive rock formations, as well as Mount Soledad which contains geologic hazards (the latter of which is discussed in the Open Space/Steep Hillside policy group). The ESL regulations detail geotechnical requirements, setbacks, drainage, landscaping, and other related requirements for development proposed on coastal blufftops as well regulations to be followed when shoreline protection devices or other erosion control devices are needed either at beach level or on the bluff face.

The La Jolla LUP proposes a number of policies related to eliminating/reducing the risks associated with hazards within the City's Coastal Zone, including references to adhering to the provisions of the ESL regulations. The City has incorporated many policies that pertain to development of coastal blufftop lots--many of the policies being carried over from the presently certified LCP Land Use Plan. In many cases, where policies were similar, they have been consolidated into one policy that still meets the intent of the original goal. However, there are still a number of policies that require strengthening or clarification.

For those policies addressing development on coastal bluffs and bluff edge setbacks, the LDC regulations specifically require that a bluff edge setback of forty (40) feet except where the evidence contained in the geology report indicates that the site is stable enough

to support the development with a proposed bluff edge setback of not less than 25 feet, so that it will neither be subject to nor contribute to significant geologic instability throughout the anticipated life span of the principal structures. These regulations also require that all accessory improvements be set back 5 feet from the bluff edge.

Pursuant to the Coastal Act, adequate setbacks from the bluff edge are important to assure the stability and structural integrity of coastal bluffs and to avoid erosion or geologic stability as a result of new development. In addition, adequate setbacks from the coastal bluff edge are also important to avoid the need for the construction of a protective device that would significantly alter natural landforms along bluffs and cliffs, or affect shoreline sand supply.

The first policy needing a revision addresses accessory structures and requires that accessory structures located within the bluff edge setback be removed or relocated if determined that they pose a threat to bluff stability. However, this policy statement only addresses situations where such structures pose a threat to bluff stability. There are numerous occasions where a property may be redeveloped and existing accessory structure substantially altered such that the structures should be brought into conformance with the current standards. For example, such structures as fences pools, spas and decks may be located closer than five feet from the bluff edge. If a particular property is redeveloped and substantial improvements or modifications are being made, such as, removal of a pool, etc, then the new or replacement accessory structures should be designed and located to conform to the ESL regulations for blufftop setbacks. This is necessary to ensure both that new development is not subject to, and does not contribute to, geologic hazards and that it does not require shoreline protection in the future.

On a related point, many older single family residences along the shoreline and coastal bluffs have older and dysfunctional shoreline protection devices and/or bluff retention devices which are also located within the geologic setback area or on the bluff face. As properties redevelop over time, there is an opportunity to remove such devices and to restore shoreline areas to their natural state, consistent with Coastal Act policies. Therefore, absent a policy to this effect, it cannot be assured that such coastal bluffs will be protected, consistent with Section 30253.

There are a number of policies which address setbacks for new development on coastal bluffs. The language in the LUP attempts to mirror the City's requirements in its ESL regulations pertaining to development on coastal bluffs. While the policy statements and recommendations specify that development should be set back at least 40 feet from the bluff edge so as to not impact the geology and visual quality of the bluff, the policies need further clarification. Chapter 3 policies of the Coastal Act specifically require that new development not require the construction of a shoreline protection device or that development be sited in a manner so that such protection is not necessary. The policies and recommendations in the LUP do not make this connection. In addition, the policies/recommendations state that bluff edge setback less than 40 feet shall not be allowed if erosion control measures exist on the site. In many situations, existing properties that have shoreline protective devices are redeveloped. If there is existing

shoreline protection, from a geologic standpoint, this means that the property is located in a hazardous location. As such, a reduction to the required 40-foot bluff edge setback should not be allowed. Therefore, absent a statement that such bluff edge setbacks cannot be made if there is existing shoreline protection on the site, coastal bluff areas will not be adequately protected, consistent with Sections 30235 and 30253.

In addition, the plan recommendations do not include a requirement the applicant accept a deed restriction to waive all rights to future shoreline protective devices. This requirement has been made by the Commission in approval of new development on coastal bluffs to meet the requirements of Section 30253 and to avoid shoreline armoring to the extent possible. Currently the City's LCP only requires such a waiver when the 40 foot setback is reduced; however, due to the inexact nature of coastal engineering and the inability to accurately predict bluff erosion rates, the Commission finds a such a waiver associated with new development in hazardous areas, such as blufftop property, is the only way to meet the intent and goals of the Coastal Act which state that new development not require the construction of protective devices that substantially alter natural landforms along bluffs and cliffs.

Another policy addressing shoreline protection devices does not address stringline concerns. In particular, whenever a shoreline protection device is constructed along the shoreline, the LUP as submitted requires that such devices will not be allowed to encroach onto any public areas unless engineering studies find such encroachment is warranted. This policy statement was a carryover from the original LCP, but the last sentence of the policy was omitted which addressed infilling or siting of such devices between existing shoreline protective works. Historically, in numerous coastal development permits for various coastal cities, the Commission has always required that such devices be located as far landward as possible and, in no case, extend further seaward than the adjoining structures or devices. The reason for this direction is to avoid further encroachment onto the beach that would impede shoreline access as well as result in additional impacts on shoreline sand processes. Absent a clarification to this effect, this policy is inconsistent with Section 30235 of the Act and other Coastal Act policies addressing public access and recreation.

The next group of concerns pertains to shoreline protective devices, specifically the policy that addresses permitting the placement of shoreline protective works when required to save coastal-dependent uses or when there are no other feasible means to protect existing principal structures in danger from erosion. This policy mirrors Section 30235 of the Coastal Act, but did not include all of the requirements of the Coastal Act citation which specifically requires that such devices be permitted only if they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. It has been extensively documented that shoreline protective devices have adverse impacts on not only public access, but also on long-term shoreline sand supply. Therefore, absent the inclusion of a statement addressing eliminating or mitigating impacts on shoreline sand supply, this policy statement is inconsistent with Coastal Act policies.

The next group of concerns pertains to non-conforming structures, or “previously conforming structures”, as defined by the City’s Land Development Code. It is also important to note that the LUP indicates that La Jolla is largely built out and that there are very few vacant parcels remaining where construction of single-family homes can occur. The LUP goes on to further state that vacant parcels are isolated single lots that are expected to develop at the density permitted by the existing zone. However, this statement is very general and perhaps, incorrect assumption, due to the fact that there is always the potential for demolition of existing structures, lot consolidations, and redevelopment to occur in both residential and commercial areas. For this reason, it is important to assure that guidelines and development regulations that address blufftop development are in place to assure that new development occurs in a manner consistent with the aforementioned policies.

The existing certified La Jolla-La Jolla Shores LCP Land Use Plan contains language which states that “...over time, as the bluffs continue to recede, existing developments will become increasingly susceptible to bluff hazards. In many cases, seawalls, revetments, and other types of erosion structures will be required to stabilize the bluff. Such structures, while necessary to protect private property, are poor substitutes for adequate site planning. Improperly placed structures may accelerate erosion on adjacent properties and seriously impact lateral public access. The proliferation of such structures may cumulatively degrade the natural scenic quality of the bluffs and interfere with nature shoreline processes....”

For this reason, the existing certified LCP contains extensive development guidelines for blufftop properties. These guidelines were later incorporated into the City’s former municipal code as part of the Sensitive Coastal Resource overlay zone which contained regulations applicable to beach and bluff areas. These guidelines have now been superseded by the City’s Land Development Code and the Environmentally Sensitive Land (ESL) regulations of the LDC which also contain regulations for coastal beach areas and coastal bluffs.

Those regulations specifically require that a bluff edge setback of forty (40) feet, but in no case less than twenty-five (25) feet, may be permitted where the evidence contained in the geology report indicates that the site is stable enough to support the development with the proposed bluff edge setback so that it will neither be subject to nor contribute to significant geologic instability throughout the anticipated life span of the principal structures. [Emphasis added]

The LCP requires that development on the site be sited consistent with the geologic setback requirements for safety purposes to avoid damage as a result of wind and wave action associated with storm conditions or bluff retreat. Under the certified LCP, a new residence must be sited to avoid the need for shoreline protection in the future. In the post-certification review of several coastal development permits over recent years, a number of homes were permitted to substantially renovate existing structures which were located closer than 25 feet from the bluff edge or to completely redevelop the site but retain only those portions of the residence that were less than 25 feet from the bluff edge.

In some cases, all but 325 sq.ft. of a structure was permitted to remain and this was the portion that was less than 25 feet from the bluff edge. To permit substantial renovations to an existing residence that will essentially result in a brand new structure, but that retains portions of the structure that are located within the geologic setback area, is inconsistent with the Coastal Act. Approval of such projects could set an adverse precedent for other similar development and perpetuate new development in hazardous locations. There are numerous residences in the coastal beach and bluff areas that are presently non-conforming with regard to geologic setback requirements. It is important to assure that, over time, as various properties are redeveloped or residences are remodeled and increased in size, that such structures are sited appropriately to either avoid the need for shoreline protection or to assure that if such protection is necessary, that it be located as far inland as possible.

In particular, the LUP contains a policy that states that structures that are located partially or entirely within the bluff edge setback shall be required to construct any additions landward of the bluff edge setback line. However this policy does not address to what extent such additions or renovations may be made to such a structure. In particular, the City has historically used retention of 50% of the exterior walls as a threshold for determining when such structures must adhere to existing regulations. However, this figure has become a problem and a loophole in proposed development. New structures are often designed such that 51% of the exterior walls are retained, yet the proposed structures are often doubled in size and the redevelopment may substantially extend the expected lifetime of the nonconforming portions of the structure. In summary, approval of new residential development less than 25 feet from the bluff edge will perpetuate the existence of homes in hazardous locations, without consideration of siting of development to avoid the need for future shoreline protection requirements. In addition, allowing the new residential structures to retain their nonconforming setback from the bluff edge, may result in the need for shore or bluff protection sometime in the future. Therefore, absent stringent policy language which assures that the line of development will gradually conform to geologic blufftop setbacks, these policies cannot be found consistent with Coastal Act policies.

Findings for Approval If Modified

A number of policies address hazards along coastal bluffs and shoreline areas. In particular, the submitted LUP contains several policies addressing bluff edge setbacks. One such policy states that accessory structures located within the bluff edge setback should be removed or relocated if determined that they pose a threat to bluff stability. However, this policy statement is a little ambiguous because it could be interpreted to mean that such structures should only be removed if they pose a threat to bluff stability. Conversely, such structures should be removed and/or brought into conformance with current standards whenever feasible to minimize risk and assure stability consistent with Section 30253 of the Act. Therefore, a suggested modification adds this requirement to the policy. In so doing, over time, the natural integrity of coastal bluffs and shoreline areas will be restored, consistent with Coastal Act policies.

With regard to bluff edge setbacks, a recommendation is included that specifies that setbacks not be reduced to less than 25 feet unless evidence supports the site is stable. However, as noted in earlier findings for denial, this recommendation does not address siting of new development such that shoreline protection is not necessary, which is consistent with Section 30253 of the Coastal Act. As such, the recommendation is modified to include specific language that says that such reductions shall not be allowed unless the site is stable and without requiring construction of shoreline protective devices throughout the economic lifespan of the structures (usually regarded to be 75 years).

The recommendation also does not address those situations when there should be a waiver of any rights to protective devices associated with development on the property. In addition, the plan recommendation makes a statement that a reduction to the 40-foot setback should not be allowed if erosion control measures exist on the site as a result of excessive erosion. However, this reference is incorrect. The Coastal Act is very explicit in its requirements that development should be sited to avoid the need for a shoreline protective device. It is also very specific in that for existing principal structures, a shoreline protective device is only permitted if is necessary to protect an existing structure in danger from erosion. As such, a modification is made to assure new development will not require shoreline protection to avoid the associated adverse impacts on visual quality, bluff stability and public access.

In the same vein, any existing or unnecessary protective devices should also be removed, when feasible or they should be allowed to deteriorate naturally over time without any further improvements to them. There are numerous shoreline protective devices that armor the local shoreline that pre-date the Coastal Act. These structures should gradually be removed or allowed to deteriorate consistent with the goal of restoring the natural beauty of the scenic coastal bluffs to their former condition over the long-term. With policy revisions to this effect, such goals will be realized, consistent with Coastal Act policies.

Additionally, the same plan recommendation, while providing “do not allow a bluff edge setback of less than 40 feet if erosion control measures exists on the site”, does not make the connection to the presence of existing shoreline protection devices. That is, if a particular property has existing shoreline protection (i.e. seawall), any development on the property should not be allowed to be sited closer than 40 feet from the bluff edge because it was the hazardous nature of the property that warranted the construction for the shoreline protection to begin with. This is an important clarification that must be included in the plan recommendation.

The next group of modifications addresses shoreline protective devices on the beach. A modification is made which adds language to a policy drafted to mirror Section 30235 of the Act which states that shoreline protection may be permitted to protect existing principal structures in danger from erosion. However, the policy statement did not require that such devices only be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The construction of any shoreline protective device alters natural shoreline processes which in the long-run results in the

depletion of sand along beaches. This is a critical omission since the Commission has a long history of dealing with seawalls and their impacts on shoreline processes. To bring this policy into conformance with the Coastal Act, suggested modification adds language that such permitted devices shall be designed to eliminate or mitigate against adverse impacts on shoreline sand supply.

The same policy also addresses infilling of shoreline protective devices but is deficient in that it does not address required alignment of new structures and siting of such devices. Therefore, the submitted LUP is deficient in that it does not address this issue. The suggested modification (#38) requires that such devices not be allowed to encroach any further seaward than existing shoreline protective devices, consistent with Commission precedent. A statement is further included that obsolete structures be removed and that beach areas be restored to public use.

The last group of suggested modifications address non-conforming structures, or “previously conforming structures”, as defined in the City’s Land Development Code. As noted in the findings for denial, there are numerous older previously-conforming structures which presently do not observe the required geologic bluff edge setback. Upon review of post-certification development, there has been an on-going pattern for property owners to substantially renovate existing previously-conforming structures sometimes doubling the size of the residence and demolishing half of the existing structure. Yet, the portions of the residence that are located seaward of the geologic blufftop setback are allowed to remain. This is a serious loophole in the development regulations for blufftop development and a direct contradiction to the policies and goals of the Coastal Act. Because so many older structures are located so close to the bluff edge, shoreline protective structures are often necessary. Shoreline protective structures result in severe impacts to shoreline processes and public access. As enumerated above, the long-term goal is to remove many of these structures to return the coastal bluffs to their natural condition and beauty. But likewise, new development on coastal blufftop lots should remove portions of the structures that do not conform to current setbacks and such structures should be constructed more landward so as not to warrant the construction of a shoreline protective device in the future.

Therefore, specific language has been inserted into the plan recommendations which state that when demolition and/or reconstruction of an existing previously conforming structure results in the replacement of 50 percent or more of the previously conforming structure, that the entire structure be brought into conformance with the policies of the LCP. Language is also included that addresses additions to such structures which states that any additions that increase the size of the structure by 50% or more, including all additions undertaken after 5/17/90, the date of effective certification of the LCP, shall not be authorized unless such structures are brought into conformance with the policies of the LCP. These policies establish specific criteria that distinguishes substantial demolition, reconstruction and/or major additions from minor additions or repair and maintenance activity normally associated with a single family residence. Only with this suggested modification can it be assured that through redevelopment, previously conforming

structures are brought into conformance with current geologic blufftop setbacks and that any additions to such structures also conform to the same standards.

Therefore, as modified, the Commission finds that the geologic stability and protection of hazard areas can be assured, consistent with Section 30235 and 30253 of the Coastal Act and past Commission precedent.

4. Sensitive Biological Resources/Water Quality.

The Chapter 3 policies most applicable to this planning issue are as follows, and state, in part:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232.

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Findings for Denial

The land use plan as submitted also has the potential to impact sensitive environmental resources. The City is proposing policy language changes regarding urban stormwater runoff and the implementation of BMPs to control runoff. However, the plan does not contain clear policy language regarding standards to govern and direct development that is protective of water quality. Given that the project site is immediately adjacent to the

Pacific Ocean and the La Jolla Underwater Ecological Reserve, there is the potential to impact sensitive marine habitat. It is, thus, critical that specific, detailed guidelines and policies for the protection of water quality, consistent with the standards of the San Diego Regional Water Quality Control Board, be included in the plan. Therefore, as submitted, the plan cannot be found consistent with the environmental protection policies of the Coastal Act.

Findings for Approval, If Modified

Section 30230 of the Coastal Act states that marine resources shall be maintained, enhanced, and restored. Section 30231 requires that the biological productivity of coastal waters be maintained and restored. Sections 30233 and 30235 limit the placement of fill in open coastal waters. Suggested modifications #2 & 55 address the potential impacts to sensitive biological resources associated with the proposed amendment. Suggested modification #56 consists of changes suggested by the City. As modified to require that new development is consistent with the Storm Water Management and Discharge Control Ordinance and with the city's Municipal Storm Water National pollutant Discharge Elimination System (NPDES) Permit along with implementation of watershed planning and permitting policies, these impacts will be mitigated or avoided.

Suggested Modification #57 adds policies on water quality protection requirements for new development. These policies reflect the requirements of the San Diego Regional Water Quality Control Board for cities within the County of San Diego, and will provide direction and standards for all new development within the plan area. Currently, the La Jolla Land Use Plan does not contain any specific policies or standards addressing the minimization or treatment of polluted runoff. Although the plan area is currently mostly paved and built out, there is a great deal of potential for redevelopment in the community, including the areas immediately adjacent to the shoreline where a lot of older previously-conforming development is often replaced with new development that discharges directly into the Pacific Ocean. Therefore it is appropriate for the LUP to contain clear standards of review for protecting water quality from the impacts associated with redevelopment of this area. As modified, the Commission finds that the LUP is consistent with Sections 30230 and 30231 of the Coastal Act.

PART VIII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. As discussed above, as modified, the amendment can be found fully consistent with the resource protection, public access and recreation, and visual protection policies of the Coastal Act. No impacts to coastal resources are anticipated. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which certification of the LCP, as modified, may have on the environment.